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**COMPILATION  
OF  
NATIONAL PARK SERVICE LAWS**

**108<sup>TH</sup> CONGRESS**




January 2003 to December 2004

**University of Georgia**

JAN 24 2006

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## FOREWORD

This compilation includes all laws enacted by the 108<sup>th</sup> Congress (2003-2004) that affect the National Park Service. We have included both park bills passed individually, as well as any legislation concerning national parks that was included in appropriations bills. In each case, we have noted in the index the specific section of the act where the language can be found.

The text used for each public law is the same version as is found in the *United States Statutes at Large*. A line of stars in the text denotes omitted, extraneous material.

In addition to the public laws, this compilation includes copies of any presidential proclamations and executive orders that affect the National Park Service. The one presidential proclamation affecting Governors Island is found under the National Monuments heading, while the executive orders are found under their own heading.

We appreciate the assistance of LaTonya Ward in compiling these laws. If you have any questions, please feel free to contact us.

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August, 2005





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Public Law 108-7  
108th Congress

Joint Resolution

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003

[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Consolidated Appropriations Resolution, 2003”.

Consolidated  
Appropriations  
Resolution, 2003.

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The table of contents for this joint resolution is as follows:

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#### DIVISION O—PRICE-ANDERSON ACT AMENDMENTS

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1 USC 1 note.

#### SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this joint resolution shall be treated as referring only to the provisions of that division.

\* \* \* \* \*



procedures on classification, and shall provide a copy of such order to the Committees on Appropriations.

(c) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments should use the discretion contained within such existing standards and procedures on classification in support of releasing, rather than withholding, such information.

(d) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

This division may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003”.

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2003.

## DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

### JOINT RESOLUTION

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, and for other purposes, namely:

### TITLE I—DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$825,712,000, to remain available until expended, of which \$1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps; of which \$2,500,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2003 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$32,696,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available

together with funds appropriated in 2005, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 102 passenger motor vehicles, of which 75 are for replacement only (including 39 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That the United States Fish and Wildlife Service is authorized to grant \$500,000 appropriated in Public Law 107-63 for land acquisition to the Narragansett Indian Tribe for acquisition of the Great Salt Pond burial tract: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105-56.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,565,565,000, of which \$10,878,000 for planning and interagency coordination in support of Everglades restoration shall remain available until expended; of which \$85,280,000, to remain available until September 30, 2004, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds



in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

#### UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$78,431,000.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$61,667,000.

#### URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$300,000, to remain available until expended.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$69,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2004: *Provided*, That, of the amount provided herein, \$2,000,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, \$30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House

and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$327,843,000, to remain available until expended, of which \$1,800,000 for the Virginia City Historic District and \$500,000 for the Fort Osage National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a, of which not to exceed \$3,000,000 is for site acquisition for the proposed Morris Thompson Cultural and Visitors Center, to be made available to the Tanana Chiefs Conference under an Annual Funding Agreement through the Indian Self-Determination and Education Assistance Act, and of which \$400,000 is for the Alice Ferguson Foundation for facility upgrade and rehabilitation at the Hard Bargain Farm: *Provided*, That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of \$5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That the National Park Service may transfer to the City of Carlsbad, New Mexico, funds for the construction of the National Cave and Karst Research Institute to be built and operated in accordance with provisions in Public Law 105-325 and all other applicable laws and regulations. Title to the Institute will be held by the City of Carlsbad.

Applicability.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

16 USC 460l-10a  
note.

The contract authority provided for fiscal year 2003 by 16 U.S.C. 460l-10a is rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$172,468,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$98,000,000 is for the State assistance program including \$3,000,000 to administer the State assistance program: *Provided*, That of the amounts provided under this heading, \$15,000,000 may be for Federal grants, including Federal administrative expenses, to the State of Florida



for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State, or are matched by the State pursuant to the cost-sharing provisions of section 316(b) of Public Law 104-303, and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 301 passenger motor vehicles, of which 273 shall be for replacement only, including not to exceed 226 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

Reports.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2003 and thereafter, sums provided to the National Park Service by private entities for utility services shall be credited to the appropriate account and remain available until expended: *Provided*, That heretofore and hereafter, in carrying out the work under reimbursable agreements with any State, local or tribal government, the National Park Service may, without regard to 31 U.S.C. 1341 or any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to the appropriate account, such credit

16 USC 1h.

16 USC 1i.

to occur within 90 days of the date of the original request by the National Park Service for payment.

# UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$925,287,000, of which \$64,855,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$15,499,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which \$8,000,000 shall remain available until expended for satellite operations; and of which \$24,623,000 shall be available until September 30, 2004, for the operation and maintenance of facilities and deferred maintenance; and of which \$170,926,000 shall be available until September 30, 2004, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

43 USC 50.

## ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That notwithstanding the provisions

43 USC 36d.

\* \* \* \* \*



## OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

## FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$141,277,000, to remain available until expended, of which \$15,000,000 is for historical accounting: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2003, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to this account.

25 USC 4011  
note.

Records.

## INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$7,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

## NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

## NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended

(16 U.S.C. 19jj et seq.), \$5,538,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That notwithstanding any other provision of law, the Office of Aircraft Services shall transfer to the Sheriff's Office, Kane County, Utah, without restriction, a Cessna U206G, identification number N211S, serial number 20606916, for the purpose of facilitating more efficient law enforcement activities at Glen Canyon National Recreation Area and the Grand Staircase Escalante National Monument: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit



assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior hereafter has ongoing authority to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity, for all or part of the property within Fort Baker administered by the Secretary as part of the Golden Gate National Recreation Area. The proceeds of the agreements or leases or any statutorily authorized fees, hereafter shall be retained by the Secretary and such proceeds shall remain available until

16 USC 460bb-3  
note.



expended, without further appropriation, for the preservation, restoration, operation, maintenance, interpretation, public programs, and related expenses of the National Park Service and nonprofit park partners incurred with respect to Fort Baker properties.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2003. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2003 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 118. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

\* \* \* \* \*

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(d) REPORT.—At the conclusion of the five-year demonstration program, the Secretary shall report to Congress as to whether the demonstration program has achieved its purposes of providing additional tribes fair opportunities to construct tribally controlled schools, accelerating construction of needed educational facilities in Indian Country, and permitting additional funds to be provided for the Department's priority list for construction of replacement educational facilities.

SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 126. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 127. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 128. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 129. Notwithstanding any other provision of law, the United States Fish and Wildlife Service may use funds appropriated in this Act for incidental expenses related to promoting and celebrating the Centennial of the National Wildlife Refuge System.

16 USC 459j-4  
note.



SEC. 130. The National Park Service may in fiscal year 2003 and thereafter enter into a cooperative agreement with and transfer funds to Capital Concerts, a nonprofit organization, for the purpose of carrying out programs pursuant to 31 U.S.C. 6305.

SEC. 131. No later than 30 days after enactment of this Act, the Secretary of the Interior shall provide to the House and Senate Committees on Appropriations and the House Committee on Resources and the Senate Committee on Indian Affairs a summary of the Ernst and Young report on the historical accounting for the five named plaintiffs in *Cobell v. Norton*. The summary shall not provide individually identifiable financial information, but shall fully describe the aggregate results of the historical accounting.

Deadline.  
Reports.

SEC. 132. None of the funds in this or any other Act for the Department of the Interior or the Department of Justice can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the *Cobell v. Norton* litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 133. Within 90 days of enactment of this Act the Special Trustee for American Indians, in consultation with the Secretary of the Interior and the Tribes, shall appoint new members to the Special Trustee Advisory Board.

Deadline.  
15 USC 4046  
note.

SEC. 134. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Norton* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Norton*.

SEC. 135. Section 124(a) of the Department of the Interior and Related Agencies Appropriation Act, 1997 (16 U.S.C. 1011 (a)), as amended, is further amended by inserting after the phrase "appropriations made for the Bureau of Land Management" the phrase "including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs".

SEC. 136. Public Law 107-106 is amended as follows: in section 5(a) strike "9 months after the date of enactment of the Act" and insert in lieu thereof "September 30, 2003".

115 Stat. 1010.

SEC. 137. Notwithstanding any other provision of law, the funds provided in the Labor, Health and Human Services, Education and Related Agencies Appropriations Act of 2002, Public Law 107-116, for the National Museum of African American History and Culture Plan for Action Presidential Commission shall remain available until expended.

SEC. 138. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

Federal buildings  
and facilities.  
New Mexico.  
16 USC 668dd  
note.  
16 USC 195 note.

SEC. 139. The visitor center at the Bitter Lake National Wildlife Refuge in New Mexico shall be named for Joseph R. Skeen and, hereafter, shall be referred to in any law, document, or record of the United States as the "Joseph R. Skeen Visitor Center".

SEC. 140. In fiscal year 2003 and each fiscal year thereafter, notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park or Rocky Mountain National Park, the Secretary of the Interior may obligate the expenditure of fees expected to be received in that fiscal year before the fees are received, so long as total obligations do not exceed fee collections retained at Zion National Park or Rocky Mountain National Park, respectively, by the end of that fiscal year.

SEC. 141. Section 6(f) of Public Law 88-578 as amended shall not apply to LWCF program #02-00010.

40 USC 8903  
note.

SEC. 142. Notwithstanding section 1(d) of Public Law 107-62, the National Park Service is authorized to obligate \$1,000,000 made available in fiscal year 2002 to plan the John Adams Presidential memorial in cooperation with non-Federal partners.

SEC. 143. Notwithstanding any other provision of law, funds appropriated and remaining available in the Construction (Trust Fund) account of the National Park Service at the completion of all authorized projects, shall be available for the rehabilitation and improvement of Going-to-the-Sun Road in Glacier National Park.

SEC. 144. Hereafter, the Department of the Interior National Business Center may continue to enter into grants, cooperative agreements, and other transactions, under the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, and other related legislation.

SEC. 145. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 146. Section 3(f)(2)(B) of Public Law 99-548 (100 Stat. 3061; 113 Stat. 1501A-168) is amended by striking "(iv) Sec. 8." and inserting the following:

"(iv) Sec. 7.

"(v) Sec. 8."

SEC. 147. Not to exceed \$650,000 of the funds made available under the heading "United States Fish and Wildlife Service, Construction" in Public Law 107-63 for hangar roof replacement at Midway Atoll National Wildlife Refuge, and such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at Midway Atoll National Wildlife Refuge.

SEC. 148. Public Law 107-331 is amended in sections 301(b) and 301(d) by striking the word "Secretary" each place it appears

116 Stat. 2843,  
2844.



and inserting in lieu thereof the word “Director”, and by striking the text of section 301(c)(3) and inserting in lieu thereof “DIRECTOR.—The term ‘Director’ means the Director of the Institute of Museum and Library Services.”.

116 Stat. 2844.

SEC. 149. Section 113 of Public Law 104-208 (31 U.S.C. 501 note.) is amended by deleting “That such fund shall be paid in advance” and inserting “That such fund may be paid in advance”.

SEC. 150. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES. (a) DECREASED COST-SHARING REQUIREMENT.—Section 507(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

- (1) by striking “(1) Except” and inserting the following: “(1) IN GENERAL.—Except”;
- (2) by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;
- (3) by striking “(2) The Secretary” and inserting the following:

“(2) WAIVER.—The Secretary”;

- (4) by striking “paragraph (1)” and inserting “paragraphs (1) and (3)”;

(5) by adding at the end the following:

“(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 507(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 470a note) is amended—

- (1) by striking “Pursuant to” and inserting the following:

“(1) IN GENERAL.—Under”; and

- (2) by adding at the end the following:

“(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section \$10,000,000 for each of fiscal years 2003 through 2008.”.

SEC. 151. The document entitled “Final Environmental Impact Statement for the Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way (FEIS)” dated November 2002, shall be deemed sufficient to meet the requirements of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)) with respect to the determination contained in the Record of Decision dated January 8, 2003 relating to the renewal of the Federal right-of-way for the Trans-Alaska Pipeline and related facilities.

SEC. 152. MISSOURI RIVER. It is the sense of the Congress that the member States and tribes of the Missouri River Basin Association are strongly encouraged to reach agreement on a flow schedule for the Missouri River as soon as practicable for 2003.

SEC. 153. TREATMENT OF ABANDONED MINE RECLAMATION FUND INTEREST. (a) IN GENERAL.—In addition to the transfer provided for in section 402(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)), interest credited to the fund established by section 401 of such Act (30 U.S.C. 1231) shall be transferred to the Combined Fund identified in section 402(h)(2) up

to such amount as is estimated by the trustees of such Combined Fund to offset the amount of any deficit in net assets in the Combined Fund. The cumulative additional amount that may be transferred under this section from the date of enactment of this Act through September 30, 2004 shall not exceed \$34,000,000.

(b) PROHIBITION ON OTHER TRANSFERS.—Except as provided in subsection (a), no principal amounts in or credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) may be transferred to the Combined Fund identified in section 402(h)(2) of such Act (30 U.S.C. 1232(h)(2)).

Termination  
date.

(c) LIMITATION.—This section shall cease to have any force and effect after September 30, 2004.

SEC. 154. Section 511(g)(2)(A) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 410ddd(g)(2)(A)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

16 USC 3503  
note.

SEC. 155. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAP. (a) IN GENERAL.—The map described in subsection (b) is replaced, in the maps depicting the Coastal Barrier Resources System that are referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)), by the map entitled “Plum Tree Island Unit VA-59P, Long Creek Unit VA-60/VA-60P” and dated May 1, 2002.

(b) DESCRIPTION OF REPLACED MAP.—The map referred to in subsection (a) is the map that—

(1) relates to Plum Island Unit VA-59P and Long Creek Unit VA-60/VA-60P located in Poquoson and Hampton, Virginia; and

(2) is included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, revised on October 23, 1992, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the replacement map described in subsection (b) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

SEC. 156. SENSE OF THE CONGRESS REGARDING SOUTHERN CALIFORNIA OFFSHORE OIL LEASES. (a) FINDINGS.—Congress finds that—

(1) there are 36 undeveloped oil leases on land in the southern California planning area of the outer Continental Shelf that—

(A) have been under review by the Secretary of the Interior for an extended period of time, including some leases that have been under review for over 30 years; and

(B) have not been approved for development under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(2) the oil companies that hold the 36 leases—

(A) have expressed an interest in retiring the leases in exchange for equitable compensation; and

(B) are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases; and

(3) it would be a waste of the taxpayer’s money to continue the process for approval or permitting of the 36 leases while



the Secretary of the Interior and the lessees are negotiating to retire the leases.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that no funds made available by this Act or any other Act for any fiscal year should be used by the Secretary of the Interior to approve any exploration, development, or production plan for, or application for a permit to drill on, the 36 undeveloped leases in the southern California planning area of the outer Continental Shelf during any period in which the lessees are engaged in settlement negotiations with the Secretary of the Interior for the retirement of the leases.

SEC. 157. MODIFIED WATER DELIVERY PROJECT IN THE STATE OF FLORIDA. (a) AUTHORITY.—The Corps of Engineers, using funds made available for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-8), shall immediately carry out alternative 6D (including paying 100 percent of the cost of acquiring land or an interest in land) for the purpose of providing a flood protection system for the 8.5 square mile area described in the report entitled “Central and South Florida Project, Modified Water Deliveries to Everglades National Park, Florida, 8.5 Square Mile Area, General Reevaluation Report and Final Supplemental Environmental Impact Statement” and dated July 2000.

(b) CONDITION.—

(1) IN GENERAL.—The Corps of Engineers may only acquire real property used as a residence for the purpose of carrying out the project described in subsection (a) if the Corps of Engineers or the non-Federal sponsor first offers the owner of such real property comparable real property within the part of the 8.5 square mile area that will be provided flood protection under such project. This paragraph does not affect the authority of the Corps of Engineers to acquire property for which this condition has been met or to which this condition does not apply.

(2) AUTHORITY TO ACQUIRE LAND AND PROVIDE ASSISTANCE.—The Corps of Engineers is authorized to acquire such land in the flood protected portion of the 8.5 square mile area from willing sellers, and provide such financial assistance, as may be necessary to carry out this subsection.

(3) FUNDING.—The Corps of Engineers and the non-Federal sponsor may carry out this subsection with funds made available to carry out the project described in subsection (a) and funds provided by the Department of the Interior for land acquisition assistance for Everglades restoration purposes.

SEC. 158. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 159. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2004 shall not exceed \$12,000,000.

SEC. 160. MOCCASIN BEND NATIONAL ARCHEOLOGICAL DISTRICT ACT. (a) SHORT TITLE.—This section may be cited as the “Moccasin Bend National Archeological District Act”.

Moccasin Bend  
National  
Archeological  
District Act.  
Tennessee.  
16 USC 424c.

## (b) DEFINITIONS.—As used in this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) ARCHEOLOGICAL DISTRICT.—The term “archeological district” means the Moccasin Bend National Archeological District.

(3) STATE.—The term “State” means the State of Tennessee.

(4) MAP.—The term “Map” means the map entitled, “Boundary Map Moccasin Bend National Archeological District”, numbered 301/80098, and dated September 2002.

## (c) ESTABLISHMENT.—

(1) IN GENERAL.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(2) BOUNDARIES.—The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

## (3) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(B) EASEMENT OUTSIDE BOUNDARY.—To allow access between areas of the archeological district that on the date of the enactment of this section are noncontiguous, the Secretary may acquire by donation or purchase from willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

## (d) ADMINISTRATION.—

(1) IN GENERAL.—The archeological district shall be administered by the Secretary in accordance with this section, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(2) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(3) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

(4) GENERAL MANAGEMENT PLAN.—Not later than 3 years after funds are made available under this section, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and

Deadline.



scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this section, while ensuring continued access by private landowners to their property.

(e) REPEAL OF PREVIOUS ACQUISITION AUTHORITY.—The Act of August 3, 1950 (chapter 532; 16 U.S.C. 424a-4) is repealed.

SEC. 161. Section 6 of Public Law 102-495 (106 Stat. 3173) is amended by removing subsections 6(b) and (c) in their entirety and substituting the following:

“(b) LANDS TRANSFER TO THE LOWER ELWHA KLALLAM TRIBE.—Subject to valid existing rights, all right, title, and interest of the United States in and to the following described land, consisting of 1.7 acres, more or less, situated in the County of Clallam, State of Washington, are hereby conveyed to the Lower Elwha Klallam Indian Tribe: the parcel lying south of the existing roadway and extending southward to the Inner Harbor line of the Port Angeles Tidelands, and beginning at the north-south line 1,106 feet west of the eastern boundary of Out Lot 6 and running easterly 1,671 feet to the north-south line 565 feet east of the eastern boundary of Out Lot 6, to be further described on a detailed legal description and map filed later with the Oregon/Washington Office of the Bureau of Land Management. Said legal description and map shall be provided by the tribe, at its cost and expense, within ninety (90) days of the enactment of this Act. This conveyance shall be subject to the following provisions:

Deadline.

“(1) There shall be public access to the beach along the south side of the parcel at all times.

“(2) The City of Port Angeles shall have the right to construct and maintain a waterfront trail adjacent to the existing roadway along the north side of the parcel, the location of which shall be determined in conjunction with the Secretary.

“(3) Parking facilities on the parcel shall be open to the public at all times.

“(4) The Agreement entered into on August 11, 1992, between the City of Port Angeles and the Tribe regarding the use of the adjacent leaseholds.

“(5) Easements shall be are hereby reserved in favor of the United States upon, over, under, through, and across the lands conveyed under this section allowing the United States, its successors, assigns, and agents, unrestricted and uninterrupted access to any adjoining lands owned or controlled by the United States, including but not limited to, the United States Coast Guard Air Station located on Ediz Hook, and allowing the United States, its successors, assigns, and agents, to install, construct, operate, maintain, repair, and replace utility lines and other related equipment upon, over, under, through, and across the lands conveyed under this section in order to operate said air station or to conduct any other Federal mission, operation, or activity upon lands owned or controlled by the United States.

“(6) A navigation easement shall be hereby reserved in favor of the United States over the lands conveyed under this section for the continued aircraft operations at the adjacent United States Coast Guard Air Station on Ediz Hook. Said navigation easement shall be based on the Federal Aviation Administration (FAA) standards contained in FAA Advisory Circular 150/5390-2A, “Heliport Design,” dated January 20,

\* \* \* \* \*

agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$14,491,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

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of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account.

#### NATIONAL ENDOWMENT FOR THE HUMANITIES

##### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$109,632,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

##### MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

##### ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

##### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,224,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs

of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

#### ADMINISTRATIVE PROVISION

None of the funds appropriated in this or any other Act, except funds appropriated to the Office of Management and Budget, shall be available to study the alteration or transfer of the National Capital Arts and Cultural Affairs program.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$3,667,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$7,253,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

#### UNITED STATES HOLOCAUST MEMORIAL MUSEUM

##### HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$38,663,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

#### PRESIDIO TRUST

##### PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$21,327,000 shall be available to the Presidio Trust, to remain available until expended.

## TITLE III—GENERAL PROVISIONS

Contracts.  
Public  
information.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2002.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

Deadline.

(c) REPORT.—On September 30, 2003, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request

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assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

Grants.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

Reports.

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2003 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating



bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2002 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2003, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska, and (ii) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the

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- (1) in subsection (b), by striking “10” and inserting “20”;
- (2) in subsection (c) by inserting at the end of the subsection “Additionally, proceeds from the sale of conveyances on no more than 3 sites shall be available for construction of replacement facilities.”; and
- (3) in subsection (d), by striking “2005” and inserting “2006”.

SEC. 326. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2004, qualify for General Service Administration contract airfares.

SEC. 327. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are fighting fires. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any organization associated with the firefighter shall be subject to any action whatsoever pertaining to or arising out of fighting fires.

SEC. 328. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal year 2003 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to or during fiscal year 2003 under the authority of section 504 of the Rescissions Act of 1995 (Public Law 104-19), the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed



permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary of Agriculture's statutory authority.

SEC. 329. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 330. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 331. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.—None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2003.

SEC. 332. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 333. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the contract is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Guidelines.

SEC. 334. Section 401(e)(4)(B) of Public Law 105-83 is amended after "Not more than" by striking "5 percent" and inserting "15 percent".

43 USC 1474d.

SEC. 335. The Record of Decision for the 2003 Supplemental Environmental Impact Statement for the 1997 Tongass Land Management Plan shall not be reviewed under any Forest Service administrative appeal process, and its adequacy shall not be subject to judicial review by any court of the United States.



113 Stat. 1707.

SEC. 336. Section 7(c) of Public Law 106-143 is amended by striking “2001” and inserting “2004”.

SEC. 337. CLARIFICATION OF ALASKA NATIVE SETTLEMENT TRUSTS. (a) Section 1629b of title 43, United States Code, is amended—

(1) at subsection (d)(1) by striking “An” and inserting in its place “Except as otherwise set forth in subsection (d)(3) of this section, an”;

(2) by creating the following new subsection:

“(d)(3) A resolution described in subsection (a)(3) of this section shall be considered to be approved by the shareholders of a Native Corporation if it receives the affirmative vote of shares representing—

“(A) a majority of the shares present or represented by proxy at the meeting relating to such resolution, or

“(B) an amount of shares greater than a majority of the shares present or represented by proxy at the meeting relating to such resolution (but not greater than two-thirds of the total voting power of the corporation) if the corporation establishes such a level by an amendment to its articles of incorporation.”; and

(3) by creating the following new subsection:

“(f) SUBSTANTIALLY ALL OF THE ASSETS.—For purposes of this section and section 1629e of this title, a Native Corporation shall be considered to be transferring all or substantially all of its assets to a Settlement Trust only if such assets represent two-thirds or more of the fair market value of the Native Corporation’s total assets.”.

(b) Section 1629e(a)(3) of title 43, United States Code, is amended by striking subparagraph (B) and inserting in its place the following:

“(B) shall give rise to dissenters rights to the extent provided under the laws of the State only if—

“(i) the rights of beneficiaries in the Settlement Trust receiving a conveyance are inalienable; and

“(ii) a shareholder vote on such transfer is required by (a)(4) of section 1629b of this title.”.

SEC. 338. Congress reaffirms its original intent that the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 be implemented, and hereby extends the expiration of the Quincy Library Group Act by 5 years.

SEC. 339. AMENDMENT TO TITLES I AND II OF THE ENERGY POLICY AND CONSERVATION ACT. (a) Title I of the Energy Policy and Conservation Act (42 U.S.C. 6231–6247b) is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

“SEC. 166. There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.”;

(2) in section 186 (42 U.S.C. 6250e), by striking “for fiscal years 2001, 2002, and 2003”; and

(3) in section 191 (42 U.S.C. 6251), by striking “September 30, 2003” each time it appears and inserting “September 30, 2008”.

(b) Title II of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

16 USC 2104  
note.

(1) by amending section 256(h) (42 U.S.C. 6276) to read as follows:

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this part, to remain available until expended.”; and

(2) in section 281 (42 U.S.C. 6285), by striking “September 30, 2003” each time it appears and inserting “September 30, 2008”.

SEC. 340. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 341. DESIGNATION OF PANTHERTOWN VALLEY TRACT OF NANTAHALA NATIONAL FOREST, JACKSON COUNTY, NORTH CAROLINA, IN HONOR OF JAMES AND ELSPETH MCCLURE CLARKE. The portion of the Nantahala National Forest in Jackson County, North Carolina, known as the Panthertown Valley tract and consisting of approximately 6,294 acres is hereby designated as the “James and Elspeth McClure Clarke Forest” in honor of James and Elspeth McClure Clarke.

## TITLE IV—TUF SHUR BIEN PRESERVATION TRUST AREA

### SEC. 401. SHORT TITLE.

This title may be cited as the “Tuf Shur Bien Preservation Trust Area Act”.

### SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1748, the Pueblo of Sandia received a grant from a representative of the King of Spain, which grant was recognized and confirmed by Congress in 1858 (11 Stat. 374); and

(2) in 1994, the Pueblo filed a civil action against the Secretary of the Interior and the Secretary of Agriculture in the United States District Court for the District of Columbia (Civil No. 1:94CV02624), asserting that Federal surveys of the grant boundaries erroneously excluded certain land within the Cibola National Forest, including a portion of the Sandia Mountain Wilderness.

(b) PURPOSES.—The purposes of this title are—

(1) to establish the Tuf Shur Bien Preservation Trust Area in the Cibola National Forest;

(2) to confirm the status of national forest land and wilderness land in the Area while resolving issues associated with the civil action referred to in subsection (a)(2) and the opinions of the Solicitor of the Department of the Interior dated December 9, 1988 (M-36963; 96 I.D. 331) and January 19, 2001 (M-37002); and

(3) to provide the Pueblo, the parties to the civil action, and the public with a fair and just settlement of the Pueblo's claim.

Tuf Shur Bien  
Preservation  
Trust Area Act.  
Native  
Americans.  
New Mexico.  
National Forest  
System.  
National  
Wilderness  
Preservation  
System.  
16 USC 539m  
note.  
16 USC 539.

\* \* \* \* \*

with China, including the need for corporate reporting on United States investments in China and incentives that China may be offering to United States corporations to relocate production and R&D to China.

(F) REGIONAL ECONOMIC AND SECURITY IMPACTS.—The Commission shall assess the extent of China's "hollowing-out" of Asian manufacturing economies, and the impact on United States economic and security interests in the region; review the triangular economic and security relationship among the United States, Taipei and Beijing, including Beijing's military modernization and force deployments aimed at Taipei, and the adequacy of United States executive branch coordination and consultation with Congress on United States arms sales and defense relationship with Taipei.

(G) UNITED STATES-CHINA BILATERAL PROGRAMS.—The Commission shall assess science and technology programs to evaluate if the United States is developing an adequate coordinating mechanism with appropriate review by the intelligence community with Congress; assess the degree of non-compliance by China and United States-China agreements on prison labor imports and intellectual property rights; evaluate United States enforcement policies; and recommend what new measures the United States Government might take to strengthen our laws and enforcement activities and to encourage compliance by the Chinese.

(H) WORLD TRADE ORGANIZATION COMPLIANCE.—The Commission shall review China's record of compliance to date with its accession agreement to the WTO, and explore what incentives and policy initiatives should be pursued to promote further compliance by China.

(I) MEDIA CONTROL.—The Commission shall evaluate Chinese government efforts to influence and control perceptions of the United States and its policies through the internet, the Chinese print and electronic media, and Chinese internal propaganda.

(3) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

22 USC 7002  
note.

Approved February 20, 2003.

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**LEGISLATIVE HISTORY—H.J. Res. 2:**

HOUSE REPORTS: No. 108-10 (Comm. of Conference).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Jan. 8, considered and passed House.

Jan. 15-17, 21-23, considered and passed Senate, amended.

Feb. 13, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Feb. 20, Presidential statements.

○



Public Law 108-16  
108th Congress

An Act

To provide for the eradication and control of nutria in Maryland and Louisiana.

Apr. 23, 2003

[H.R. 273]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Nutria  
Eradication and  
Control Act of  
2003.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Nutria Eradication and Control Act of 2003”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (*Myocastor coypus*) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105-322 is to develop new and effective methods for eradication of nutria.

(b) **PURPOSE.**—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

**SEC. 3. NUTRIA ERADICATION PROGRAM.**

(a) **GRANT AUTHORITY.**—The Secretary of the Interior (in this Act referred to as the “Secretary”), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) **GOALS.**—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

(c) **ACTIVITIES.**—In the State of Maryland, the Secretary shall require that the program consist of management, research, and

public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled "Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds", dated March 2002.

(d) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) **IN-KIND CONTRIBUTIONS.**—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—For financial assistance under this section, there is authorized to be appropriated to the Secretary \$4,000,000 for the State of Maryland program and \$2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.

Deadline.

**SEC. 4. REPORT.**

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

(1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled "Nutria in Louisiana", and the 2002 document entitled "Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds"; and

(2) develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland.

Approved April 23, 2003.

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**LEGISLATIVE HISTORY—H.R. 273:**

CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 8, considered and passed House.

Apr. 9, considered and passed Senate.



Public Law 108-29  
108th Congress

An Act

May 29, 2003  
[S. 330]

To further the protection and recognition of veterans' memorials, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Veterans'  
Memorial  
Preservation and  
Recognition Act  
of 2003.  
18 USC 1369  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2003".

**SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.**

(a) **IN GENERAL.**—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

**"§ 1369. Destruction of veterans' memorials**

"(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

"(b) A circumstance described in this subsection is that—

"(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

"(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials."

23 USC 109 note.

**SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.**

(a) **IN GENERAL.**—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.



(b) **APPLICABILITY.**—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

Approved May 29, 2003.

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**LEGISLATIVE HISTORY—S. 330:**

**HOUSE REPORTS:** No. 108-112, Pt. 1 (Comm. on the Judiciary).

**CONGRESSIONAL RECORD**, Vol. 149 (2003):

Mar. 27, considered and passed Senate.

May 20, considered and passed House.

○

Public Law 108-32  
108th Congress

An Act

To provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

June 17, 2003  
[S. 273]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Grand Teton National Park Land Exchange Act”.

Grand Teton  
National Park  
Land Exchange  
Act.  
16 USC 406d-1  
note.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term “Federal lands” means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term “Governor” means the Governor of the State of Wyoming.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “State lands” means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled “Private, State & County Inholdings Grand Teton National Park”, dated March 2001, and numbered GTNP/0001.

16 USC 406d-1  
note.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together

16 USC 406d-1  
note.

Reports.

with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

16 USC 406d-1  
note.

#### SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

16 USC 406d-1  
note.

#### SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”), and other laws, rules, and regulations applicable to Grand Teton National Park.

16 USC 406d-1  
note.

#### SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Approved June 17, 2003.

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#### LEGISLATIVE HISTORY—S. 273:

SENATE REPORTS: No. 108-14 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
Apr. 3, considered and passed Senate.  
June 3, 5, considered and passed House.

○



Public Law 108-37  
108th Congress

An Act

June 26, 2003  
[S. 703]

To designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the “Carl T. Curtis National Park Service Midwest Regional Headquarters Building”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF CARL T. CURTIS NATIONAL PARK  
SERVICE MIDWEST REGIONAL HEADQUARTERS  
BUILDING.**

The regional headquarters building for the National Park Service under construction in Omaha, Nebraska, shall be known and designated as the “Carl T. Curtis National Park Service Midwest Regional Headquarters Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the regional headquarters building referred to in section 1 shall be deemed to be a reference to the Carl T. Curtis National Park Service Midwest Regional Headquarters Building.

Approved June 26, 2003.

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**LEGISLATIVE HISTORY—S. 703:**

HOUSE REPORTS: No. 108-135 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 149 (2003):  
Apr. 11, considered and passed Senate.  
June 16, considered and passed House.



Public Law 108-42  
108th Congress

An Act

July 1, 2003

[H.R. 519]

To authorize the Secretary of the Interior to conduct a study of the San Gabriel River Watershed, and for other purposes.

San Gabriel  
River Watershed  
Study Act.  
California.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “San Gabriel River Watershed Study Act”.

**SEC. 2. STUDY OF SAN GABRIEL RIVER WATERSHED.**

(a) **IN GENERAL.**—The Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) shall conduct a special resource study of the following areas:

(1) The San Gabriel River and its tributaries north of and including the city of Santa Fe Springs.

(2) The San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (as defined in section 32603(c)(1)(C) of the State of California Public Resource Code).

Applicability.

(b) **STUDY CONDUCT AND COMPLETION.**—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study conducted under this section.

(c) **CONSULTATION WITH FEDERAL, STATE, AND LOCAL GOVERNMENTS.**—In conducting the study under this section, the Secretary shall consult with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and other appropriate Federal, State, and local governmental entities.

(d) **CONSIDERATIONS.**—In conducting the study under this section, the Secretary shall consider regional flood control and drainage needs and publicly owned infrastructure such as wastewater treatment facilities.

Deadline.

**SEC. 3. REPORT.**

Not later than 3 years after funds are made available for this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of the study.

Approved July 1, 2003.

**LEGISLATIVE HISTORY—H.R. 519:**

SENATE REPORTS: No. 108-65 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 19, considered and passed House.

June 16, considered and passed Senate.



Public Law 108-43  
108th Congress

An Act

To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

July 1, 2003

[H.R. 788]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Glen Canyon National Recreation Area Boundary Revision Act”.

Glen Canyon  
National  
Recreation Area  
Boundary  
Revision Act.  
16 USC 460dd  
note.

SEC. 2. GLEN CANYON NATIONAL RECREATION AREA BOUNDARY REVISION.

(a) IN GENERAL.—The first section of Public Law 92-593 (16 U.S.C. 460dd; 86 Stat. 1311) is amended—

(1) by striking “That in” and inserting “SECTION 1. (a) In”; and

(2) by adding at the end the following:

“(b) In addition to the boundary change authority under subsection (a), the Secretary may acquire approximately 152 acres of private land in exchange for approximately 370 acres of land within the boundary of Glen Canyon National Recreation Area, as generally depicted on the map entitled ‘Page One Land Exchange Proposal’, number 608/60573a-2002, and dated May 16, 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon conclusion of the exchange, the boundary of the recreation area shall be revised to reflect the exchange.”.

(b) CHANGE IN ACREAGE CEILING.—Such section is further amended by striking “one million two hundred and thirty-six thousand eight hundred and eighty acres” and inserting “1,256,000 acres”.

Approved July 1, 2003.

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LEGISLATIVE HISTORY—H.R. 788:

SENATE REPORTS: No. 108-67 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 25, considered and passed House.

June 16, considered and passed Senate.





Public Law 108-59  
108th Congress

An Act

July 14, 2003

[S. 858]

To extend the Abraham Lincoln Bicentennial Commission, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ABRAHAM LINCOLN BICENTENNIAL COMMISSION.**

(a) **DUTIES.**—Section 4 of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106-173) is amended—

(1) in paragraph (1)(D), by striking “redesignation” and inserting “rededication”; and

(2) by adding at the end the following:

“(3) To recommend to Congress a plan to carry out the activities recommended under paragraph (2).

“(4) To carry out other related activities in support of the duties carried out under paragraphs (1) through (3).”.

(b) **EXTENSION.**—Section 8 of such Act (36 U.S.C. note prec. 101; Public Law 106-173) is amended—

(1) in subsection (a), by striking “The” and inserting “In addition to the interim report required under subsection (b), the”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “FINAL REPORT.—” and inserting “REQUIRED INTERIM REPORT.—”;

(B) by striking the first sentence and inserting: “Not later than June 24, 2004, the Commission shall submit an interim report to Congress.”; and

(C) in the second sentence, by striking “final”; and  
(3) by adding at the end the following:

Reports.  
Deadline.

“(c) FINAL REPORT.—Not later than April 30, 2010, the Commission shall submit a final report to Congress. The final report shall contain final statements, recommendations, and information described under subsection (b) (1), (2), and (3).” Deadline.

Approved July 14, 2003.

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**LEGISLATIVE HISTORY—S. 858:**

CONGRESSIONAL RECORD, Vol. 149 (2003):

May 23, considered and passed Senate.

June 25, considered and passed House.



Public Law 108-62  
108th Congress

An Act

To authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska.

July 29, 2003

[H.R. 255]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY TO GRANT EASEMENT.**

(a) **IN GENERAL.**—The Secretary of the Interior is authorized to grant an easement to Otoe County, Nebraska, for the purpose of constructing and maintaining an access road between the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, and each of the following roads:

(1) Nebraska State Highway 2.

(2) Otoe County Road 67.

(b) **LOCATION OF ROAD.**—The access road referred to in subsection (a) shall not be located, in whole or in part, on private property.

**SEC. 2. USE OF FEDERAL FUNDS.**

No funds from the Department of the Interior may be used for design, construction, maintenance, or operation of the access road referred to in subsection (a) of section 1.

Approved July 29, 2003.

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**LEGISLATIVE HISTORY—H.R. 255:**

SENATE REPORTS: No. 108-99 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

May 14, considered and passed House.

July 17, considered and passed Senate.





Public Law 108-63  
108th Congress

An Act

July 29, 2003  
[H.R. 733]

To authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

McLoughlin  
House Addition  
to Fort  
Vancouver  
National Historic  
Site Act.  
16 USC 450ff  
note.

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “McLoughlin House Addition to Fort Vancouver National Historic Site Act”.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) CITY.—The term “City” means Oregon City, Oregon.

(2) MCLOUGHLIN HOUSE.—The term “McLoughlin House” means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior’s Order of June 27, 1941, and generally depicted on the map entitled “McLoughlin House, Fort Vancouver National Historic Site”, numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 2. MCLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.

(a) ACQUISITION.—The Secretary is authorized to acquire the McLoughlin House, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) MAP AVAILABILITY.—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) NAME CHANGE.—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the “McLoughlin House National Historic Site” to the “McLoughlin House”.

(e) FEDERAL LAWS.—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference

in a law, map, regulation, document, paper, or other record of the United States to the “McLoughlin House National Historic Site” (other than this Act) shall be deemed a reference to the “McLoughlin House”, a unit of Fort Vancouver National Historic Site.

Approved July 29, 2003.

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**LEGISLATIVE HISTORY—H.R. 733:**

**SENATE REPORTS:** No. 108-66 (Comm. on Energy and Natural Resources).  
**CONGRESSIONAL RECORD**, Vol. 149 (2003):

Apr. 8, considered and passed House.

June 16, considered and passed Senate, amended.

July 16, House concurred in Senate amendments.



Public Law 108-64  
108th Congress

An Act

July 29, 2003  
[H.R. 1577]

To designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the “Kris Eggle Visitor Center”, and for other purposes.

16 USC 431 note. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDESIGNATION.**

(a) **FINDING.**—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) **DEDICATION.**—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) **REDESIGNATION.**—The visitor center in Organ Pipe Cactus National Monument in Arizona is hereby designated as the “Kris Eggle Visitor Center”.

(d) **REFERENCE.**—Any reference to the visitor center in Organ Pipe Cactus National Monument in Arizona, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the “Kris Eggle Visitor Center”.

(e) **SIGNAGE.**—The Secretary of the Interior shall post interpretive signs at the visitor center and at the trailhead of the Baker Mine-Milton Mine Loop that—

(1) describe the important role of public law enforcement officers in protecting park visitors;

(2) refer to the tragic loss of Kris Eggle in underscoring the importance of these officers;

(3) refer to the dedication of the trail and the visitor center by Congress; and

(4) include a copy of this Act and an image of Kris Eggle.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved July 29, 2003.

**LEGISLATIVE HISTORY—H.R. 1577:**

SENATE REPORTS: No. 108-100 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

May 14, considered and passed House.

July 17, considered and passed Senate.





Public Law 108-87  
108th Congress

An Act

Sept. 30, 2003  
[H.R. 2658]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Department of  
Defense  
Appropriations  
Act, 2004.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,247,667,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,217,298,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except

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PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, REMEDIATION, AND  
ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$18,430,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

10 USC 1584  
note.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,100,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes,

\* \* \* \* \*

civilian officials whose participation directly contributes to the education and training of these foreign students.

16 USC  
410aaa-56 note,  
431 note.

SEC. 8121. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California—Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the “recipient”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 107-117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569-051-44, and located in the west  $\frac{1}{2}$  of the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

SEC. 8122. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance

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of this section, any other cost of dismantling the submarine, and the cost of any recycling or disposal of equipment and materiel removed from the submarine before transfer.

(d) Subsection (d) of section 7306 of title 10, United States Code, does not apply to the transfer required under subsection (a).

SEC. 8146. FISCAL YEAR 2004 EXEMPTION FOR CERTAIN MEMBERS OF THE ARMED FORCES FROM REQUIREMENT TO PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED. (a) IN GENERAL.—Section 1075 of title 10, United States Code, is amended—

(1) by inserting “(a) IN GENERAL.—” before “When”; and

(2) by striking the second sentence and inserting the following:

“(b) EXCEPTIONS.—Subsection (a) shall not apply to any of the following:

“(1) An enlisted member, or former enlisted member, of a uniformed service who is entitled to retired or retainer pay or equivalent pay.

“(2) An officer or former officer of a uniformed service, or an enlisted member or former enlisted member of a uniformed service not described in paragraph (1), who is hospitalized under section 1074 because of an injury incurred (as determined under criteria prescribed by the Secretary of Defense)—

“(A) as a direct result of armed conflict;

“(B) while engaged in hazardous service;

“(C) in the performance of duty under conditions simulating war; or

“(D) through an instrumentality of war.

“(c) APPLICABILITY.—The exception provided in paragraph (2) of subsection (b) shall apply only during fiscal year 2004.”.

(b) EFFECTIVE DATE.—Subsections (b) and (c) of section 1075 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2003, and apply with respect to injuries incurred before, on, or after that date.

10 USC 1075  
note.

This Act may be cited as the “Department of Defense Appropriations Act, 2004”.

Approved September 30, 2003.

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**LEGISLATIVE HISTORY—H.R. 2658 (S. 1382):**

HOUSE REPORTS: Nos. 108-187 (Comm. on Appropriations) and 108-283 (Comm. of Conference).

SENATE REPORTS: No. 108-87 accompanying S. 1382 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

July 8, considered and passed House.

July 14-17, considered and passed Senate, amended.

Sept. 24, House agreed to conference report.

Sept. 25, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Sept. 30, Presidential statement.



Public Law 108-93  
108th Congress

An Act

To direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

Oct. 3, 2003  
[S. 111]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SPECIAL RESOURCE STUDY.**

Deadlines.

(a) **STUDY.**—Not later than 3 years after the date funds are made available, the Secretary of the Interior (hereinafter referred to as the “Secretary”) shall conduct a special resource study to determine the national significance of the Miami Circle archaeological site in Miami-Dade County, Florida (hereinafter referred to as “Miami Circle”), as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park. In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

Native  
Americans.

(b) **CONTENT OF STUDY.**—In addition to determining national significance, feasibility, and suitability, the study shall include the analysis and recommendations of the Secretary on—

(1) any areas in or surrounding the Miami Circle that should be included in Biscayne National Park;

(2) whether additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of Biscayne National Park; and

(3) any effect on the local area from the inclusion of Miami Circle in Biscayne National Park.

(c) **SUBMISSION OF REPORT.**—Not later than 30 days after completion of the study, the Secretary shall submit a report on the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 3, 2003.

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**LEGISLATIVE HISTORY—S. 111:**

HOUSE REPORTS: No. 108-268 (Comm. on Resources).

SENATE REPORTS: No. 108-4 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 4, considered and passed Senate.

Sept. 23, considered and passed House.





Public Law 108-94  
108th Congress

An Act

To direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

Oct. 3, 2003  
[S. 233]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Coltsville Study  
Act of 2003.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coltsville Study Act of 2003”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Hartford, Connecticut, home to Colt Manufacturing Company (referred to in this Act as “Colt”), played a major role in the Industrial Revolution;

Colt  
Manufacturing  
Company.

(2) Samuel Colt, founder of Colt, and his wife, Elizabeth Colt, inspired Coltsville, a community in the State of Connecticut that flourished during the Industrial Revolution and included Victorian mansions, an open green area, botanical gardens, and a deer park;

(3) the residence of Samuel and Elizabeth Colt in Hartford, Connecticut, known as “Armsmead”, is a national historic landmark, and the distinctive Colt factory is a prominent feature of the Hartford, Connecticut, skyline;

(4) the Colt legacy is not only about firearms, but also about industrial innovation and the development of technology that would change the way of life in the United States, including—

(A) the development of telegraph technology; and

(B) advancements in jet engine technology by Francis Pratt and Amos Whitney, who served as apprentices at Colt;

(5) Coltsville—

(A) set the standard for excellence during the Industrial Revolution; and

(B) continues to prove significant—

(i) as a place in which people of the United States can learn about that important period in history; and

(ii) by reason of the close proximity of Coltsville to the Mark Twain House, Trinity College, Old North Cemetery, and many historic homesteads and architecturally renowned buildings;

(6) in 1998, the National Park Service conducted a special resource reconnaissance study of the Connecticut River Valley to evaluate the significance of precision manufacturing sites; and

(7) the report on the study stated that—

(A) no other region of the United States contains an equal concentration of resources relating to the precision manufacturing theme that began with firearms production;

(B) properties relating to precision manufacturing encompass more than merely factories; and

(C) further study, which should be undertaken, may recommend inclusion of churches and other social institutions.

#### SEC. 3. STUDY.

Deadline.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the “Secretary”) shall complete a study of the site in the State of Connecticut commonly known as “Coltsville” to evaluate—

(1) the national significance of the site and surrounding area;

(2) the suitability and feasibility of designating the site and surrounding area as a unit of the National Park System; and

(3) the importance of the site to the history of precision manufacturing.

(b) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with Public Law 91-383 (16 U.S.C. 1a-1 et seq.).

Deadline.

#### SEC. 4. REPORT.

Not later than 30 days after the date on which the study under section 3(a) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 3, 2003.

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#### LEGISLATIVE HISTORY—S. 233:

HOUSE REPORTS: No. 108-252 (Comm. on Resources).

SENATE REPORTS: No. 108-9 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Mar. 4, considered and passed Senate.

Sept. 23, considered and passed House.



Public Law 108-108  
108th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Nov. 10, 2003  
[H.R. 2691]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:*

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2004.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$850,321,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$2,484,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487; (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-6a(i)); and of which \$3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$850,321,000; and \$2,000,000, to remain available until expended, from communication site rental

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157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,629,641,000, of which \$10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That notwithstanding sections 5(b)(7)(c) and 7(a)(2) of Public Law 105-58, the National Park Service may in fiscal year 2004 provide funding for uniformed personnel for

visitor protection and interpretation of the outdoor symbolic site at the Oklahoma City Memorial without reimbursement or a requirement to match these funds with non-Federal funds.

#### UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$78,859,000.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$62,544,000, of which \$1,600,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding the provisions contained in sections 7(a)(1) and (2) of Public Law 105-58.

#### URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), \$305,000, to remain available until expended.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That, of the amount provided herein, \$500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, \$33,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section



104 of the Everglades National Park Protection and Expansion Act of 1989, \$333,995,000, to remain available until expended, of which \$300,000 for the L.Q.C. Lamar House National Historic Landmark and \$375,000 for the Sun Watch National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds in this or any other Act may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further*, That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of \$5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That the restriction in the previous proviso applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the joint report of the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General which shall be filed within 90 days of enactment of this Act and by September 30 each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicates that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds: *Provided further*, That not to exceed \$800,000 of the funds provided for Dayton Aviation Heritage National Historical Park may be provided as grants to cooperating entities for projects to enhance public access to the park.

Deadlines.

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 460l-10a is rescinded.

16 USC 460l-10a  
note.



## LAND ACQUISITION AND STATE ASSISTANCE

## (INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$142,350,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$95,000,000 is for the State assistance program including \$2,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer \$5,000,000 to the United States Fish and Wildlife Service "Resource Management" account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the United States Army Corps of Engineers "Construction, General" account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the United States Army Corps of Engineers for this purpose: *Provided further*, That, subsequent to the transfer of the \$5,000,000 to the United States Fish and Wildlife Service and the transfer of funds, if any, to the United States Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a re-programming request by the Secretary detailing how the remaining funds will be expended for this purpose.

## ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the National Park Service may make a grant of not to exceed \$70,000 for the construction of a memorial in Cadillac, Michigan in honor of Kris Eggle.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2004, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may obligate to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total obligations in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

## UNITED STATES GEOLOGICAL SURVEY

## SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data;

\* \* \* \* \*



## INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$21,980,000, to remain available until expended: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291).

## NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

## NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$5,633,000, to remain available until expended.

## ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction,



replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 502 of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2004, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment,

and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United



States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-



208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

16 USC 460bb  
note.

SEC. 118. Notwithstanding other provisions of law, the National Park Service hereafter may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 120. Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 121. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 122. Of the funds made available under the heading "Bureau of Land Management, Land Acquisition" in title I of the Department of the Interior and Related Agencies Appropriation Act, 2002 (115 Stat. 420), the Secretary of the Interior shall grant \$500,000 to the City of St. George, Utah, for the purchase of the land as provided in the Virgin River Dinosaur Footprint Preserve Act (116 Stat. 2896), with any surplus funds available after the purchase to be available for the purpose of the preservation of the land and the paleontological resources on the land.

SEC. 123. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, New Jersey Pinelands Preserve, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 124. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 125. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 126. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

16 USC 459j-4  
note.

SEC. 127. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 128. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 129. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 130. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 131. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2005 shall not exceed \$12,000,000.



SEC. 134. The State of Utah's contribution requirement pursuant to Public Law 105-363 shall be deemed to have been satisfied and within thirty days of enactment of this Act, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to the Wilcox Ranch lands acquired under section 2(b) of Public Law 105-363, for management by the Utah Division of Wildlife Resources for wildlife habitat and public access to the Ranch as well as to adjacent lands managed by the Bureau of Land Management.

SEC. 135. Upon enactment of this Act, the Congaree Swamp National Monument shall be designated the Congaree National Park.

SEC. 136. (a) Section 122 of division F of Public Law 108-7 is amended as follows:

(1) Paragraph 122(a)(4) is amended to read—

“(4) TRIBALLY CONTROLLED SCHOOL.—The term ‘tribally controlled school’ means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).”.

(2) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: “The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.”.

(3) Subsection (c) is amended by inserting after “EFFECT OF GRANT.—” the following: “(1) Except as provided in paragraph (2) of this subsection,” and is further amended by adding the following new paragraph:

“(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs.”.

(b) Notwithstanding the provisions of paragraph (b)(1) of section 122 of division F of Public Law 108-7, as amended by this Act, the Saginaw-Chippewa tribal school and the Redwater Elementary School shall receive priority for funding available in fiscal year 2004. The Saginaw-Chippewa tribal school shall receive \$3,000,000 from prior year funds, and the Redwater Elementary School shall receive \$6,000,000 available in fiscal year 2004.

SEC. 137. The Secretary shall have no more than 180 days from October 1, 2003, to prepare and submit to the Congress, in a manner otherwise consistent with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), plans

Congaree  
National Park,  
designation.  
16 USC 410jjj  
note.

25 USC 2501  
note.

Deadline.



for the use and distribution of the Mescalero Apache Tribe's Judgment Funds from Docket 92-403L, the Pueblo of Isleta's Judgment Funds from Docket 98-166L, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation's Judgment Funds in Docket No. 773-87-L of the United States Court of Federal Claims; each plan shall become effective upon the expiration of a 60-day period beginning on the day each plan is submitted to the Congress.

SEC. 138. (a) SHORT TITLE.—This section may be cited as the “Eastern Band of Cherokee Indians Land Exchange Act of 2003”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds the following:

(A) Since time immemorial, the ancestors of the Eastern Band of Cherokee Indians have lived in the Great Smoky Mountains of North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern States and the land that now constitutes the Great Smoky Mountains National Park.

(B) The Eastern Band has proposed a land exchange with the National Park Service and has spent over \$1,500,000 for studies to thoroughly inventory the environmental and cultural resources of the proposed land exchange parcels.

(C) Such land exchange would benefit the American public by enabling the National Park Service to acquire the Yellow Face tract, comprising 218 acres of land adjacent to the Blue Ridge Parkway.

(D) Acquisition of the Yellow Face tract for protection by the National Park Service would serve the public interest by preserving important views for Blue Ridge Parkway visitors, preserving habitat for endangered species and threatened species including the northern flying squirrel and the rock gnome lichen, preserving valuable high altitude wetland seeps, and preserving the property from rapidly advancing residential development.

(E) The proposed land exchange would also benefit the Eastern Band by allowing it to acquire the Ravensford tract, comprising 143 acres adjacent to the Tribe's trust territory in Cherokee, North Carolina, and currently within the Great Smoky Mountains National Park and Blue Ridge Parkway. The Ravensford tract is part of the Tribe's ancestral homeland as evidenced by archaeological finds dating back no less than 6,000 years.

(F) The Eastern Band has a critical need to replace the current Cherokee Elementary School, which was built by the Department of the Interior over 40 years ago with a capacity of 480 students. The school now hosts 794 students in dilapidated buildings and mobile classrooms at a dangerous highway intersection in downtown Cherokee, North Carolina.

(G) The Eastern Band ultimately intends to build a new three-school campus to serve as an environmental, cultural, and educational “village,” where Cherokee language and culture can be taught alongside the standard curriculum.

Effective dates.

Eastern Band of  
Cherokee Indians  
Land Exchange  
Act of 2003.  
16 USC 460a-5  
note.

(H) The land exchange and construction of this educational village will benefit the American public by preserving Cherokee traditions and fostering a vibrant, modern, and well-educated Indian nation.

(I) The land exchange will also reunify tribal reservation lands now separated between the Big Cove Community and the balance of the Qualla Boundary, reestablishing the territorial integrity of the Eastern Band.

(J) The Ravensford tract contains no threatened species or endangered species listed pursuant to the Endangered Species Act of 1973. The 218-acre Yellow Face tract has a number of listed threatened species and endangered species and a higher appraised value than the 143-acre Ravensford tract.

(K) The American public will benefit from the Eastern Band's commitment to mitigate any impacts on natural and cultural resources on the Ravensford tract, by among other things reducing the requested acreage from 168 to 143 acres.

(L) The Congress and the Department of the Interior have approved land exchanges in the past when the benefits to the public and requesting party are clear, as they are in this case.

(2) PURPOSES.—The purposes of this section are the following:

(A) To acquire the Yellow Face tract for protection by the National Park Service, in order to preserve the Waterrock Knob area's spectacular views, endangered species and high altitude wetland seeps from encroachment by housing development, for the benefit and enjoyment of the American public.

(B) To transfer the Ravensford tract, to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians, in order to provide for an education facility that promotes the cultural integrity of the Eastern Band and to reunify two Cherokee communities that were historically contiguous, while mitigating any impacts on natural and cultural resources on the tract.

(C) To promote cooperative activities and partnerships between the Eastern band and the National Park Service within the Eastern Band's ancestral homelands.

(c) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary of the Interior ("Secretary") shall exchange the Ravensford tract, currently in the Great Smoky Mountains National Park and the Blue Ridge Parkway, for the Yellow Face tract adjacent to the Waterrock Knob Visitor Center on the Blue Ridge Parkway.

(2) TREATMENT OF EXCHANGED LANDS.—Effective upon receipt by the Secretary of a deed or deeds satisfactory to the Secretary for the lands comprising the Yellow Face tract (as described in subsection (3)) to the United States, all right, title, and interest of the United States in and to the Ravensford tract (as described in subsection (4)), including all improvements and appurtenances, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians as part of the Cherokee Indian Reservation.



(3) **YELLOW FACE TRACT.**—The Yellow Face tract shall contain Parcels 88 and 89 of the Hornbuckle Tract, Yellow Face Section, Qualla Township, Jackson County, North Carolina, which consist altogether of approximately 218 acres and are depicted as the “Yellow Face Tract” on the map entitled “Land Exchange Between the National Park Service and the Eastern Band of Cherokee Indians,” numbered 133/80020A, and dated November 2002. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Bureau of Indian Affairs. Upon completion of the land exchange, the Secretary shall adjust the boundary of the Blue Ridge Parkway to include such lands and shall manage the lands as part of the parkway.

(4) **RAVENSFORD TRACT.**—The lands declared by subsection (2) to be held in trust for the Eastern Band of Cherokee Indians shall consist of approximately 143 acres depicted as the “Ravensford Tract” on the map identified in subsection (3). Upon completion of the land exchange, the Secretary shall adjust the boundaries of Great Smoky Mountains National Park and the Blue Ridge Parkway to exclude such lands.

(5) **LEGAL DESCRIPTIONS.**—Not later than 1 year after the date of enactment of this section, the Secretary of the Interior shall file a legal description of the areas described in subsections (3) and (4) with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate. Such legal descriptions shall have the same force and effect as if the information contained in the description were included in those subsections except that the Secretary may correct clerical and typographical errors in such legal descriptions. The legal descriptions shall be on file and available for public inspection in the offices of the National Park Service and the Bureau of Indian Affairs.

Deadline.

(d) **IMPLEMENTATION PROCESS.**—

(1) **GOVERNMENT-TO-GOVERNMENT AGREEMENTS.**—In order to fulfill the purposes of this section and to establish cooperative partnerships for purposes of this section the Director of the National Park Service and the Eastern Band of Cherokee Indians shall enter into government-to-government consultations and shall develop protocols to review planned construction on the Ravensford tract. The Director of the National Park Service is authorized to enter into cooperative agreements with the Eastern Band for the purpose of providing training, management, protection, preservation, and interpretation of the natural and cultural resources on the Ravensford tract.

(2) **CONSTRUCTION STANDARDS.**—Recognizing the mutual interests and responsibilities of the Eastern Band of Cherokee Indians and the National Park Service for the conservation and protection of the resources on the Ravensford tract, the National Park Service and the Eastern Band shall develop mutually agreed upon standards for size, impact, and design of construction consistent with the purposes of this section on the Ravensford tract. The standards shall be consistent with the Eastern Band’s need to develop educational facilities and support infrastructure adequate for current and future generations and shall otherwise minimize or mitigate any adverse impacts on natural or cultural resources. The standards



shall be based on recognized best practices for environmental sustainability and shall be reviewed periodically and revised as necessary. Development of the tract shall be limited to a road and utility corridor, an educational campus, and the infrastructure necessary to support such development. No new structures shall be constructed on the part of the Ravensford tract depicted as the "No New Construction" area on the map referred to in subsection (c)(3), which is generally the area north of the point where Big Cove Road crosses the Raven Fork River. All development on the Ravensford tract shall be conducted in a manner consistent with this section and such development standards.

(e) GAMING PROHIBITION.—Gaming as defined and regulated by the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall be prohibited on the Ravensford tract.

SEC. 139. Notwithstanding any implementation of the Department of the Interior's trust reorganization plan within fiscal years 2003 or 2004, funds appropriated for fiscal year 2004 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima Maricopa Indian Community, the Confederated Salish-Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation on the same basis as funds were distributed in fiscal year 2003. This Demonstration Project shall operate separate and apart from the Department of the Interior's trust reform reorganization, and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. Sections 458aa-458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same fiduciary standards as those to which the Secretary of the Interior is held: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the "Blue Ridge National Heritage Area Act of 2003".

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

Blue Ridge,  
National  
Heritage Area  
Act of 2003.  
16 USC 461 note.

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled "The Blue Ridge Heritage and Cultural Partnership" and "Western North Carolina National Heritage Area Feasibility Study and Plan", the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

## (c) DEFINITIONS.—

## (1) In this section:

(A) HERITAGE AREA.—The term “Heritage Area” means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(E) STATE.—The term “State” means the State of North Carolina.

## (d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

## (3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

## (B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of nine members, of whom—

(I) two members shall be appointed by AdvantageWest;

(II) two members shall be appointed by Hand-Made In America, Inc.;

(III) one member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) one member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) three members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

## (e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall

Deadline.



submit to the Secretary for approval a management plan for the Heritage Area.

(2) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) **CONTENTS.**—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

Deadline.

(B) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

- (ii) has a high potential for effective partnership mechanisms.
- (C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—
  - (i) advise the management entity in writing of the reasons for the disapproval;
  - (ii) make recommendations for revisions to the management plan; and
  - (iii) allow the management entity to submit to the Secretary revisions to the management plan.
- (D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.
- (6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—
  - (A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—
    - (i) review the management plan; and
    - (ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.
  - (B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.
- (f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—
  - (1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—
    - (A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;
    - (B) hire and compensate staff; and
    - (C) enter into contracts for goods and services.
  - (2) DUTIES.—In addition to developing the management plan, the management entity shall—
    - (A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;
    - (B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;
    - (C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—
      - (i) carrying out the programs that protect resources in the Heritage Area;
      - (ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;
      - (iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—



(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this section.

SEC. 141. (a) PAYMENT TO THE HARRIET TUBMAN HOME, AUBURN, NEW YORK, AUTHORIZED.—(1) The Secretary of the Interior may, using amounts appropriated or otherwise made available by this title, make a payment to the Harriet Tubman Home in Auburn, New York, in the amount of \$11,750.

(2) The amount specified in paragraph (1) is the amount of widow's pension that Harriet Tubman should have received from January 1899 to March 1913 under various laws authorizing pension for the death of her husband, Nelson Davis, a deceased veteran of the Civil War, but did not receive, adjusted for inflation since March 1913.

(b) USE OF AMOUNTS.—The Harriet Tubman Home shall use amounts paid under subsection (a) for the purposes of—

(1) preserving and maintaining the Harriet Tubman Home; and

(2) honoring the memory of Harriet Tubman.

SEC. 142. Nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past seven years shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) and under section 3 of the Taylor Grazing Act of 1934, as amended (43 U.S.C. 315b). The terms and conditions contained in the most recently expired nonrenewable grazing permit shall continue in effect under the renewed permit. Upon completion of any required analysis or documentation, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 143. INTERIM COMPENSATION PAYMENTS. Section 2303(b) of Public Law 106-246 (114 Stat. 549) is amended by inserting before the period at the end the following: “, unless the amount of the interim compensation exceeds the amount of the final compensation”.

SEC. 144. Pursuant to section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)), the following claims shall be given notice of defect and the opportunity to cure: AKFF054162-AKFF054163, AKFF054165-AKFF054166, and AKFF054170-AKFF054171.

SEC. 145. None of the funds appropriated or otherwise made available by this or any other Act, hereafter enacted, may be used to permit the use of the National Mall for a special event, unless the permit expressly prohibits the erection, placement, or use of structures and signs bearing commercial advertising. The Secretary may allow for recognition of sponsors of special events: *Provided*, That the size and form of the recognition shall be consistent with the special nature and sanctity of the Mall and any lettering or design identifying the sponsor shall be no larger than one-third

16 USC 1a-1  
note.

the size of the lettering or design identifying the special event. In approving special events, the Secretary shall ensure, to the maximum extent practicable, that public use of, and access to the Mall is not restricted. For purposes of this section, the term "special event" shall have the meaning given to it by section 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

SEC. 146. In addition to amounts provided to the Department of the Interior in this Act, \$5,000,000 is provided for a grant to Kendall County, Illinois.

SEC. 147. CONVEYANCE TO THE CITY OF LAS VEGAS, NEVADA. Section 705(b) of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (116 Stat. 2015) is amended by inserting after "map" the following: "and the approximately 10 acres of land in Clark County, Nevada, described as the NW¼ SE¼ SW¼ of section 28, T. 20 S., R. 60 E., Mount Diablo Base and Meridian".

SEC. 148. CONGAREE SWAMP NATIONAL MONUMENT BOUNDARY REVISION. The first section of Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended—

16 USC 431 note.

(1) in subsection (b), by striking the last sentence; and

(2) by adding at the end the following:

"(c) ACQUISITION OF ADDITIONAL LAND.—

"(1) IN GENERAL.—The Secretary may acquire by donation, by purchase from a willing seller with donated or appropriated funds, by transfer, or by exchange, land or an interest in land described in paragraph (2) for inclusion in the monument.

"(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 4,576 acres of land adjacent to the Monument, as depicted on the map entitled "Congaree National Park Boundary Map", numbered 178/80015, and dated August 2003.

"(3) AVAILABILITY OF MAP.—The map referred to in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(4) BOUNDARY REVISION.—On acquisition of the land or an interest in land under paragraph (1), the Secretary shall revise the boundary of the monument to reflect the acquisition.

"(5) ADMINISTRATION.—Any land acquired by the Secretary under paragraph (1) shall be administered by the Secretary as part of the monument.

"(6) EFFECT.—Nothing in this section—

"(A) affects the use of private land adjacent to the monument;

"(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the monument; or

"(C) negatively affects the economic development of the areas surrounding the monument.

"(d) ACREAGE LIMITATION.—The total acreage of the monument shall not exceed 26,776 acres."

SEC. 149. Section 104 (16 U.S.C. 1374) is amended in subsection (c)(5)(D) by striking "the date of the enactment of the Marine Mammal Protection Act Amendments of 1994" and inserting "February 18, 1997".

SEC. 150. The National Park Service shall issue a special regulation concerning continued hunting at New River Gorge National

Regulations.  
16 USC 460m-20  
note.

River in compliance with the requirements of the Administrative Procedures Act, with opportunity for public comment, and shall also comply with the National Environmental Policy Act as appropriate. Notwithstanding any other provision of law, the September 25, 2003 interim final rule authorizing continued hunting at New River Gorge National River shall be in effect until the final special regulation supercedes it.

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$269,710,000, to remain available until expended: *Provided*, That of the funds provided, \$52,359,000 is for the forest inventory and analysis program.

##### STATE AND PRIVATE FORESTRY

Notification.

Grants.

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$308,140,000, to remain available until expended, as authorized by law of which \$64,934,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: *Provided further*, That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further*, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share: *Provided further*, That notwithstanding any other provision of law, of the funds provided under this heading, \$500,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106-283).

##### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,382,916,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land

\* \* \* \* \*



None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

## OTHER RELATED AGENCIES

### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

#### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$13,532,000, to remain available until expended: *Provided*, That funds provided

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or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

#### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,422,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,000,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$7,730,000: *Provided*, That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

40 USC 8711  
note.

#### UNITED STATES HOLOCAUST MEMORIAL MUSEUM

##### HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$39,997,000, of

which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

#### PRESIDIO TRUST

#### PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,700,000 shall be available to the Presidio Trust, to remain available until expended.

#### TITLE III—GENERAL PROVISIONS

Contracts.  
Public  
information.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2003.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes

\* \* \* \* \*



Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 311. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved).

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

Grants.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

Reports.

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 315. Notwithstanding any other provision of law, for fiscal year 2004 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 316. Amounts deposited during fiscal year 2003 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 317. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 318. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2004, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2003, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs

\* \* \* \* \*



SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

- (1) in subsection (b), by striking “20” and inserting “30”;
- (2) in subsection (c) by striking “3” and inserting “8”; and
- (3) in subsection (d), by striking “2006” and inserting “2007”.

SEC. 323. Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall, in fiscal year 2005, qualify for General Service Administration contract airfares.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

Contracts.  
Wildfires.

SEC. 325. A grazing permit or lease issued by the Secretary of the Interior or a grazing permit issued by the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or waived during fiscal years 2004-2008 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752), section 19 of the Granger-Thye Act, as amended (16 U.S.C. 5801), title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.), or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa-50). The terms and conditions contained in the expired, transferred, or waived permit or lease shall continue in effect under the renewed permit or lease until such time as the Secretary of the Interior or Secretary of Agriculture as appropriate completes processing of such permit or lease in compliance



Deadline.  
Reports.  
43 USC 1752  
note.

with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the statutory authority of the Secretary of the Interior or the Secretary of Agriculture: *Provided*, That where National Forest System lands are involved and the Secretary of Agriculture has renewed an expired or waived grazing permit prior to fiscal year 2004, the terms and conditions of the renewed grazing permit shall remain in effect until such time as the Secretary of Agriculture completes processing of the renewed permit in compliance with all applicable laws and regulations or until the expiration of the renewed permit, whichever comes first. Upon completion of the processing, the permit may be canceled, suspended or modified, in whole or in part, to meet the requirements of applicable laws and regulations: *Provided further*, That beginning in November 2004, and every year thereafter, the Secretaries of the Interior and Agriculture shall report to Congress the extent to which they are completing analysis required under applicable laws prior to the expiration of grazing permits, and beginning in May 2004, and every two years thereafter, the Secretaries shall provide Congress recommendations for legislative provisions necessary to ensure all permit renewals are completed in a timely manner. The legislative recommendations provided shall be consistent with the funding levels requested in the Secretaries' budget proposals: *Provided further*, That notwithstanding section 504 of the Rescissions Act (109 Stat. 212), the Secretaries in their sole discretion determine the priority and timing for completing required environmental analysis of grazing allotments based on the environmental significance of the allotments and funding available to the Secretaries for this purpose: *Provided further*, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 326. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2004, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 327. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 328. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2004.

SEC. 329. None of the funds made available in this Act may be used for the planning, design, or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the Committees on Appropriations.

SEC. 330. In awarding a Federal Contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Guidelines.

SEC. 331. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 332. Section 315(f) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) by striking "September 30, 2004" and inserting "December 31, 2005"; and

(2) by striking "2007" and inserting "2008".

SEC. 333. IMPLEMENTATION OF GALLATIN LAND CONSOLIDATION ACT OF 1998. (a) DEFINITIONS.—For purposes of this section:

(1) "Gallatin Land Consolidation Act of 1998" means Public Law 105-267 (112 Stat. 2371).

(2) "Option Agreement" has the same meaning as defined in section 3(6) of the Gallatin Land Consolidation Act of 1998.

(3) "Secretary" means the Secretary of Agriculture.

(4) "Excess receipts" means National Forest Fund receipts from the National Forests in Montana, which are identified and adjusted by the Forest Service within the fiscal year, and which are in excess of funds retained for: the Salvage Sale Fund; the Knutson-Vandenberg Fund; the Purchaser Road/Specified Road Credits; the Twenty-Five Percent Fund, as

\* \* \* \* \*



SEC. 340. (a) JUSTIFICATION OF COMPETITIVE SOURCING ACTIVITIES.—(1) In each budget submitted by the President to Congress under section 1105 of title 31, United States Code, for a fiscal year, beginning with fiscal year 2005, amounts requested to perform competitive sourcing studies for programs, projects, and activities listed in paragraph (2) shall be set forth separately from other amounts requested. 31 USC 501 note.

(2) Paragraph (1) applies to programs, projects, and activities— Applicability.

(A) of the Department of the Interior for which funds are appropriated by this Act;

(B) of the Forest Service; and

(C) of the Department of Energy for which funds are appropriated by this Act.

(b) ANNUAL REPORTING REQUIREMENTS ON COMPETITIVE SOURCING ACTIVITIES.—(1) Not later than December 31 of each year, beginning with December 31, 2003, the Secretary concerned shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report, covering the preceding fiscal year, on the competitive sourcing studies conducted by the Department of the Interior, the Forest Service, or the Department of Energy, as appropriate, and the costs and cost savings to the citizens of the United States of such studies. Deadline. 31 USC 501 note.

(2) In this subsection, the term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to the Department of the Interior programs, projects, and activities for which funds are appropriated by this Act;

(B) the Secretary of Agriculture, with respect to the Forest Service; and

(C) the Secretary of Energy, with respect to the Department of Energy programs, projects, and activities for which funds are appropriated by this Act.

(3) The report under this subsection shall include, for the fiscal year covered—

(A) the total number of competitions completed;

(B) the total number of competitions announced, together with a list of the activities covered by such competitions;

(C) the total number of full-time equivalent Federal employees studied under completed competitions;

(D) the total number of full-time equivalent Federal employees being studied under competitions announced, but not completed;

(E) the incremental cost directly attributable to conducting the competitions identified under subparagraphs (A) and (B), including costs attributable to paying outside consultants and contractors;

(F) an estimate of the total anticipated savings, or a quantifiable description of improvements in service or performance, derived from completed competitions;

(G) actual savings, or a quantifiable description of improvements in service or performance, derived from the implementation of competitions;

(H) the total projected number of full-time equivalent Federal employees covered by competitions scheduled to be announced in the fiscal year; and

(I) a description of how the competitive sourcing decision making processes are aligned with strategic workforce plans.



## Deadline.

(c) **DECLARATION OF COMPETITIVE SOURCING STUDIES.**—For fiscal year 2004, each of the Secretaries of executive departments referred to in subsection (b)(2) shall submit a detailed competitive sourcing proposal to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of the enactment of this Act. The proposal shall include, for each competitive sourcing study proposed to be carried out by or for the Secretary concerned, the number of positions to be studied, the amount of funds needed for the study, and the program, project, and activity from which the funds will be expended.

(d) **LIMITATION ON COMPETITIVE SOURCING STUDIES.**—(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior for fiscal year 2004, not more than the maximum amount specified in paragraph (2)(A) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2004 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the fiscal year 2004 reprogramming guidelines.

(2) For the purposes of paragraph (1)—

(A) the maximum amount—

(i) with respect to the Department of Energy is \$500,000; and

(ii) with respect to the Department of the Interior is \$2,500,000; and

(B) the fiscal year 2004 reprogramming guidelines referred to in such paragraph are the reprogramming guidelines set forth in the joint explanatory statement accompanying the Act (H.R. 2691, 108th Congress, 1st session), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

(3) Of the funds appropriated by this Act, not more than \$5,000,000 may be used in fiscal year 2004 for competitive sourcing studies and related activities by the Forest Service.

(e) **LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.**—(1) None of the funds made available in this or any other Act may be used to convert to contractor performance an activity or function of the Forest Service, an activity or function of the Department of the Interior performed under programs, projects, and activities for which funds are appropriated by this Act, or an activity or function of the Department of Energy performed under programs, projects, and activities for which funds are appropriated by this Act, if such activity or function is performed on or after the date of the enactment of this Act by more than 10 Federal employees unless—

(A) the conversion is based on the result of a public-private competition that includes a more efficient and cost effective organization plan developed by such activity or function; and

(B) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly

to the Federal Government by an amount that equals or exceeds the lesser of—

- (i) 10 percent of the more efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or
- (ii) \$10,000,000.

(2) This subsection shall not apply to a commercial or industrial type function that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(3) The conversion of any activity or function under the authority provided by this subsection shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy.

(f) COMPETITIVE SOURCING STUDY DEFINED.—In this subsection, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

31 USC 501 note.

SEC. 341. Section 4(e)(3)(A)(vi) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is amended by striking “under this Act” and inserting “under this Act, including costs incurred under paragraph (2)(A)”.

SEC. 342. LAKE TAHOE RESTORATION PROJECTS. Section 4(e)(3)(A) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2346; 116 Stat. 2007) is further amended—

- (1) in clause (v), by striking “and” at the end;
- (2) by redesignating clause (vi) as clause (vii); and
- (3) by inserting after clause (v) the following:

“(vi) transfer to the Secretary of Agriculture, or, if the Secretary of Agriculture enters into a cooperative agreement with the head of another Federal agency, the head of the Federal agency, for Federal environmental restoration projects under sections 6 and 7 of the Lake Tahoe Restoration Act (114 Stat. 2354), environmental improvement payments under section 2(g) of Public Law 96-586 (94 Stat. 3382), and any Federal environmental restoration project included in the environmental improvement program adopted by the Tahoe Regional Planning Agency in February 1998 (as amended), in an amount equal to the cumulative amounts authorized to be appropriated for such projects under those Acts, in accordance with a revision to the Southern Nevada Public Land Management Act



of 1998 Implementation Agreement to implement this section, which shall include a mechanism to ensure appropriate stakeholders from the States of California and Nevada participate in the process to recommend projects for funding; and”.

SEC. 343. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 344. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.646 percent of—

(1) the budget authority provided for fiscal year 2004 for any discretionary account in this Act; and

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2003.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

Flathead and  
Kootenai  
National Forest  
Rehabilitation  
Act of 2003.  
Wildfires.  
Montana.

#### TITLE IV—THE FLATHEAD AND KOOTENAI NATIONAL FOREST REHABILITATION ACT

SEC. 401. SHORT TITLE. This title may be cited as the “Flathead and Kootenai National Forest Rehabilitation Act of 2003”.

SEC. 402. FINDINGS AND PURPOSE. (a) FINDINGS.—Congress finds that—

(1) the Robert Fire and Wedge Fire of 2003 caused extensive resource damage in the Flathead National Forest;

(2) the fires of 2000 caused extensive resource damage on the Kootenai National Forest and implementation of rehabilitation and recovery projects developed by the agency for the Forest is critical;

(3) the environmental planning and analysis to restore areas affected by the Robert Fire and Wedge Fire will be completed through a collaborative community process;

(4) the rehabilitation of burned areas needs to be completed in a timely manner in order to reduce the long-term environmental impacts; and

(5) wildlife and watershed resource values will be maintained in areas affected by the Robert Fire and Wedge Fire while exempting the rehabilitation effort from certain applications of the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA).

\* \* \* \* \*



This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2004”.

Approved November 10, 2003.

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**LEGISLATIVE HISTORY—H.R. 2691 (S. 1391):**

**HOUSE REPORTS:** Nos. 108-195 (Comm. on Appropriations) and 108-330 (Comm. of Conference).

**SENATE REPORTS:** No. 108-89 accompanying S. 1391 (Comm. on Appropriations).  
**CONGRESSIONAL RECORD**, Vol. 149 (2003):

July 16, 17, considered and passed House.

Sept. 17, 18, 22, 23, considered and passed Senate, amended.

Oct. 30, House agreed to conference report.

Nov. 3, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 39 (2003):

Nov. 10, Presidential statement.



Public Law 108-125  
108th Congress

An Act

To extend the authority for the construction of a memorial to  
Martin Luther King, Jr.

Nov. 11, 2003  
[S. 470]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.**

40 USC 8903  
note.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), as amended, is amended to read as follows:

“(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.

“(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.

Termination  
date.

Approved November 11, 2003.

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**LEGISLATIVE HISTORY—S. 470 (H.R. 1209):**

HOUSE REPORTS: No. 108-203 accompanying H.R. 1209 (Comm. on Resources).

SENATE REPORTS: No. 108-90 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 17, considered and passed Senate.

Oct. 28, considered and passed House.



Public Law 108-126  
108th Congress

An Act

Nov. 17, 2003  
[H.R. 1442]

To authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

District of  
Columbia.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**TITLE I—VIETNAM VETERANS  
MEMORIAL VISITOR CENTER**

**SEC. 101. VISITOR CENTER.**

Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end the following:

**“SEC. 6. VISITOR CENTER.**

**“(a) AUTHORIZATION.—**

**“(1) IN GENERAL.—**The Vietnam Veterans Memorial Fund, Inc., is authorized to construct a visitor center at or near the Vietnam Veterans Memorial on Federal land in the District of Columbia, or its environs, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial and the Vietnam War.

**“(2) LOCATION.—**The visitor center shall be located underground.

**“(3) CONSULTATION ON DESIGN PHASE.—**The Vietnam Veterans Memorial Fund, Inc., shall consult with educators, veterans groups, and the National Park Service in developing the proposed design of the visitor center.

**“(b) COMPLIANCE WITH STANDARDS APPLICABLE TO COMMEMORATIVE WORKS.—**Chapter 89 of title 40, United States Code, shall apply, including provisions related to the siting, design, construction, and maintenance of the visitor center, and the visitor center shall be considered a commemorative work for the purposes of that Act, except that—

**“(1) final approval of the visitor center shall not be withheld;**

**“(2) the provisions of subsections (b) and (c) of section 8908 of title 40, United States Code, requiring further approval by law for the location of a commemorative work within Area I and prohibiting the siting of a visitor center within the Reserve shall not apply;**

**“(3) the size of the visitor center shall be limited to the minimum necessary—**



“(A) to provide for appropriate educational and interpretive functions; and

“(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall; and

“(4) the visitor center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

“(c) OPERATION AND MAINTENANCE.—

“(1) IN GENERAL.—The Secretary of the Interior shall—

“(A) operate and maintain the visitor center, except that the Secretary shall enter into a written agreement with the Vietnam Veterans Memorial Fund, Inc., for specified maintenance needs of the visitor center, as determined by the Secretary; and

“(B) as soon as practicable, in consultation with educators and veterans groups, develop a written interpretive plan for the visitor center in accordance with National Park Service policy.

“(2) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—Paragraph (1)(A) does not waive the requirements of section 8906(b) of title 40, United States Code, with respect to the visitor center.

“(d) FUNDING.—The Vietnam Veterans Memorial Fund, Inc., shall be solely responsible for acceptance of contributions for, and payment of expenses of, the establishment of the visitor center. No Federal funds shall be used to pay any expense of the establishment of the visitor center.”.

## TITLE II—COMMEMORATIVE WORKS

### SEC. 201. SHORT TITLE.

This title may be cited as the “Commemorative Works Clarification and Revision Act of 2003”.

Commemorative  
Works  
Clarification and  
Revision Act of  
2003.  
40 USC 101 note.

### SEC. 202. ESTABLISHMENT OF RESERVE.

(a) FINDINGS.—Congress finds that—

(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art; and

(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.

(b) RESERVE.—Section 8908 of title 40, United States Code, is amended by adding at the end the following:

“(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.”.

40 USC 8901  
note.

### SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.

(a) PURPOSES.—Section 8901(2) of title 40, United States Code, is amended by striking “Columbia;” and inserting “Columbia and

its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;”.

(b) DEFINITIONS.—Section 8902 of title 40, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this chapter:

“(1) COMMEMORATIVE WORK.—The term ‘commemorative work’ means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

“(2) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term ‘the District of Columbia and its environs’ means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.

“(3) RESERVE.—The term ‘Reserve’ means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

“(4) SPONSOR.—The term ‘sponsor’ means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.”.

(c) AUTHORIZATION.—Section 8903 of title 40, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “work commemorating a lesser conflict” and inserting “work solely commemorating a limited military engagement”; and

(B) by striking “the event” and inserting “such war or conflict”;

(2) in subsection (d)—

(A) by striking “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—” and inserting “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—”;

(B) by striking “House Administration” and inserting “Resources”; and

(C) by inserting “Advisory” before “Commission”; and

(3) by striking subsection (e) and inserting the following:

“(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

“(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

“(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

“(B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.”.

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended—

Government  
organization.

(1) in the heading, by inserting “Advisory” before “Commission”;

(2) in subsection (a), by striking “There is a National” and all that follows through “consists of” and inserting the following: “There is established the National Capital Memorial Advisory Commission, which shall be composed of”;

(3) in subsection (c)—

(A) by inserting “Advisory” before “Commission shall”; and

(B) by striking “Services” and inserting “Services (as appropriate)”;

(4) in subsection (d) by inserting “Advisory” before “Commission”.

(e) SITE AND DESIGN APPROVAL.—Section 8905 of title 40, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “person” each place it appears and inserting “sponsor”; and

(B) in paragraph (1)—

(i) by inserting “Advisory” before “Commission”; and

(ii) by striking “designs” and inserting “design concepts”; and

(2) in subsection (b)—

(A) by striking “Secretary, and Administrator” and inserting “and the Secretary or Administrator (as appropriate)”;

(B) in paragraph (2)(B), by striking, “open space and existing public use.” and inserting “open space, existing public use, and cultural and natural resources.”.

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended—

(1) in subsection (a)(3) and (a)(4) by striking “person” and inserting “sponsor”; and

(2) by striking subsection (b) and inserting the following:

“(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

“(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor



authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

“(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”

(g) AREAS I AND II.—Section 8908(a) of title 40, United States Code, is amended—

(1) by striking “Secretary of the Interior and Administrator of General Services” and inserting “Secretary of the Interior or the Administrator of General Services (as appropriate)”; and

(2) by striking “numbered 869/86581, and dated May 1, 1986” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003”.

#### SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905(b) of title 40, United States Code (as amended by section 203(e)), is amended by adding at the end the following:

“(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(2).

“(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

“(7) **DONOR CONTRIBUTIONS.**—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.”.

**SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.**

40 USC 8901  
note.

Except for the provision in the amendment made by section 202(b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title shall apply to a commemorative work for which a site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title.

**SEC. 206. NATIONAL PARK SERVICE REPORTS.**

Deadline.

Within 6 months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate, as soon as practicable after the date of enactment of this Act, the National Park Service's stable and maintenance facilities that are within the Reserve (as defined in section 8902 of title 40, United States Code).

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve's character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

Approved November 17, 2003.

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**LEGISLATIVE HISTORY—H.R. 1442:**

HOUSE REPORTS: No. 108-295 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 15, considered and passed House.

Nov. 5, considered and passed Senate, amended.

Nov. 6, House concurred in Senate amendment.



Public Law 108-128  
108th Congress

An Act

To revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

Nov. 17, 2003  
[S. 677]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Black Canyon of the Gunnison Boundary Revision Act of 2003”.

**SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.**

(a) **BOUNDARY REVISION.**—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking “There” and inserting “(1) There”; and

(2) by adding at the end the following:

“(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’ and dated April 2, 2003.”.

(b) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as “Tract C” on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) **CONFORMING AMENDMENT.**—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by striking “Map” and inserting “Map or the map described in section 4(a)(2)”.

Black Canyon of  
the Gunnison  
Boundary  
Revision Act of  
2003.  
16 USC 410fff  
note.

16 USC 410fff-2  
note.



**SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.**

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

(1) by striking “There” and inserting “(1) There”; and

(2) by adding at the end the following:

“(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled ‘Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications’, and dated April 2, 2003.”.

**SEC. 4. GRAZING PRIVILEGES.**

(a) **TRANSFER OF PRIVILEGES.**—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(1)) is amended by adding at the end the following:

“(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.”.

(b) **PRIVILEGES OF CERTAIN PARTNERSHIPS.**—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(3)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph

(D);

(3) by inserting after subparagraph (A) the following:

“(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

“(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and”; and

(4) in subparagraph (D) (as redesignated by paragraph

(2))—

(A) by striking “partnership, corporation, or” each place it appears and inserting “corporation or”; and

(B) by striking “subparagraph (A)” and inserting “subparagraphs (A), (B), or (C)”.

**SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.**16 USC 410fff-2  
note.

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

Approved November 17, 2003.

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**LEGISLATIVE HISTORY—S. 677:****HOUSE REPORTS:** No. 108-344 (Comm. on Resources).**SENATE REPORTS:** No. 108-96 (Comm. on Energy and Natural Resources).**CONGRESSIONAL RECORD**, Vol. 149 (2003):

July 17, considered and passed Senate.

Nov. 4, considered and passed House.



Public Law 108-133  
108th Congress

An Act

Nov. 22, 2003  
[H.R. 3054]

To amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.

District of  
Columbia  
Military  
Retirement  
Equity Act of  
2003.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Military Retirement Equity Act of 2003".

SEC. 2. PERMITTING INCLUSION OF PREVIOUS MILITARY SERVICE AS CREDITABLE SERVICE FOR CERTAIN DISTRICT OF COLUMBIA RETIREES.

Subsection (c)(8) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-704(h), D.C. Official Code) is amended—

(1) by striking "(8) Notwithstanding" and inserting "(8)(A) Except as provided in subparagraph (B), notwithstanding"; and

(2) by adding at the end the following new subparagraph:  
"(B)(i)(I) Except as provided in subclause (II), and subject to clause (iv), each member or former member who has performed military service before the date of the separation on which the entitlement to any annuity under this Act is based may elect to retain credit for the service by paying (in accordance with such regulations as the Mayor shall issue) to the office by which the member is employed (or, in the case of a former member, to the appropriate benefits administrator) an amount equal to 7 percent of the amount of the basic pay paid under section 204 of title 37, United States Code, to the member for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the member may provide, or, if the Mayor determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Mayor under clause (iii). Payment of such amount by an active member must be completed prior to the member's date of retirement or October 1, 2006, whichever is later, for the member to retain credit for the service.

"(II) In any case where military service interrupts creditable service under this subsection and reemployment pursuant to chapter 43 of title 38, United States Code, occurs on or after August 1, 1990, the deposit payable under this clause may not



exceed the amount that would have been deducted and withheld under this Act from basic pay during the period of creditable service if the member had not performed the period of military service.

“(ii) Any deposit made under clause (i) more than 2 years after the later of—

“(I) October 1, 2004; or

“(II) the date on which the member making the deposit first becomes a member following the period of military service for which such deposit is due,

shall include interest on such amount computed and compounded annually beginning on the date of the expiration of the 2-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under paragraph (5)(B).

“(iii) The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, or the Secretary of Health and Human Services, as appropriate, shall furnish such information to the Mayor as the Mayor may determine to be necessary for the administration of this subsection.

“(iv) Effective with respect to any period of military service after November 10, 1996, the percentage of basic pay under section 204 of title 37, United States Code, payable under clause (i) shall be equal to the same percentage as would be applicable under subsection (d) of this section for that same period for service as a member subject to clause (i)(II).”

Effective date.

**SEC. 3. ADJUSTMENT IN FEDERAL BENEFIT PAYMENTS TO CERTAIN POLICE AND FIRE RETIREES TO TAKE MILITARY SERVICE ADJUSTMENT INTO ACCOUNT.**

(a) **IN GENERAL.**—Section 11012 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (sec. 1-803.02, D.C. Official Code) is amended by adding at the end the following new subsection:

“(f) **TREATMENT OF MILITARY SERVICE CREDIT PURCHASED BY CERTAIN POLICE AND FIRE RETIREES.**—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the District of Columbia Military Retirement Equity Act of 2003 had taken effect prior to the freeze date.”

(b) **CONFORMING AMENDMENT.**—Section 11003(5) of such Act (sec. 1-801.02(5), D.C. Official Code) is amended by inserting “and (f)” after “section 11012(e)”.

Applicability.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

Approved November 22, 2003.

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**LEGISLATIVE HISTORY—H.R. 3054:**

CONGRESSIONAL RECORD, Vol. 149 (2003):

Oct. 8, considered and passed House.

Nov. 11, considered and passed Senate.

○

Public Law 108-137  
108th Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

Dec. 1, 2003

[H.R. 2754]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, for energy and water development, and for other purposes, namely:

Energy and  
Water  
Development  
Appropriations  
Act, 2004.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection, aquatic ecosystem restoration, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$116,949,000, to remain available until expended: *Provided*, That for the Ohio Riverfront, Cincinnati, Ohio, project, the cost of planning and design undertaken by non-Federal interests shall be credited toward the non-Federal share of project design costs: *Provided further*, That in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$250,000 for preconstruction engineering and design of Waikiki Beach, Oahu,



Hawaii, the project to be designed and evaluated, as authorized: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$100,000 for the continuation and completion of feasibility studies of Kihei Beach, Maui, Hawaii: *Provided further*, That any recommendations for a National Economic Development Plan shall be accepted notwithstanding the extent of recreation benefits supporting the project features, in view of the fact that recreation is extremely important in sustaining and increasing the economic well-being of the State of Hawaii and the nation.

#### CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, aquatic ecosystem restoration, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,722,319,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois; and Lock and Dam 3, Mississippi River, Minnesota: *Provided*, That using \$9,280,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Secretary of the Army is directed to accept advance funds, pursuant to section 11 of the River and Harbor Act of 1925, from the non-Federal sponsor of the Los Angeles Harbor, California, project authorized by section 101(b)(5) of Public Law 106-541: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$750,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$2,500,000 of the funds appropriated herein to continue construction of the navigation project at Kaunapali Harbor, Hawaii: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$6,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to continue construction of seepage control features and to design and construct repairs to the tainter gates at Waterbury Dam, Vermont: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the New York and New Jersey Harbor project, 50-foot deepening element, upon execution of the Project Cooperation Agreement: *Provided*

further, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the construction of the Port Jersey element of the New York and New Jersey Harbor or reimbursement to the Local Sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element: *Provided further*, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless: (1) the Secretary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District; (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report; (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan; and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$17,000,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$5,400,000 of the funds appropriated herein to proceed with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Seward Harbor, Alaska, project, in accordance with the Report of the Chief of Engineers, dated June 8, 1999, and the economic justification contained therein: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed and authorized to continue the work to replace and upgrade the dam and all

Florida.  
Deadline.  
Reports.

Florida.  
Notice.

\* \* \* \* \*

SEC. 503. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

50 USC 2811.

SEC. 504. CLARIFICATION OF INDEMNIFICATION TO PROMOTE ECONOMIC DEVELOPMENT. (a) Subsection (b)(2) of section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274q(b)(2)) is amended by adding the following after subparagraph (C):

“(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).”.

Effective date.  
50 USC 2811  
note.

(b) The amendment made by section 506, as amended by this section, is effective as of the date of enactment of the National Defense Authorization Act for Fiscal Year 1998.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2004”.

Approved December 1, 2003.

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**LEGISLATIVE HISTORY—H.R. 2754 (S. 1424):**

HOUSE REPORTS: Nos. 108-212 (Comm. on Appropriations) and 108-357 (Comm. of Conference).

SENATE REPORTS: No. 108-105 accompanying S. 1424 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 149 (2003):

July 18, considered and passed House.

Sept. 11, 15, 16, considered and passed Senate, amended, in lieu of S. 1424.

Sept. 17, further amended in Senate.

Nov. 18, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 1, Presidential statement.





Public Law 108-142  
108th Congress

An Act

To revise the boundary of the Kaloko-Honokōhau National Historical Park in the State of Hawaii, and for other purposes.

Dec. 2, 2003

[S. 254]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Kaloko-Honokōhau National Historical Park Addition Act of 2003”.

Kaloko-  
Honokōhau  
National  
Historical Park  
Addition Act of  
2003.  
16 USC 396d  
note.

**SEC. 2. ADDITIONS TO KALO-KO-HONOKŌHAU NATIONAL HISTORICAL PARK.**

Section 505(a) of Public Law 95-625 (16 U.S.C. 396d(a)) is amended—

- (1) by striking “(a) In order” and inserting “(a)(1) In order”;
- (2) by striking “1978,” and all that follows and inserting “1978.”; and

- (3) by adding at the end the following new paragraphs:

“(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as ‘Tract A’ on the map entitled ‘Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment’, numbered PWR (PISO) 466/82,043 and dated April 2002.

“(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

**SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved December 2, 2003.

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**LEGISLATIVE HISTORY—S. 254:**

**HOUSE REPORTS:** No. 108-296 (Comm. on Resources).

**SENATE REPORTS:** No. 108-10 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD**, Vol. 149 (2003):

Mar. 4, considered and passed Senate.

Nov. 18, considered and passed House.

○

Public Law 108-176  
108th Congress

An Act

Dec. 12, 2003  
[H.R. 2115]

To amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Vision 100—  
Century of  
Aviation  
Reauthorization  
Act.  
49 USC 40101  
note.

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Vision 100—Century of Aviation Reauthorization Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendments to title 49, United States Code.
- Sec. 3. Applicability.
- Sec. 4. Findings.

**TITLE I—AIRPORT AND AIRWAY IMPROVEMENTS**

**Subtitle A—Funding of FAA Programs**

- Sec. 101. Airport planning and development and noise compatibility planning and programs.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. Federal Aviation Administration operations.
- Sec. 104. Funding for aviation programs.
- Sec. 105. Agreements for operation of airport facilities.
- Sec. 106. Insurance.

**Subtitle B—Passenger Facility Fees**

- Sec. 121. Low-emission airport vehicles and ground support equipment.
- Sec. 122. Use of fees to pay debt service.
- Sec. 123. Streamlining of the passenger facility fee program.
- Sec. 124. Financial management of passenger facility fees.

**Subtitle C—AIP Modifications**

- Sec. 141. Airfield pavement.
- Sec. 142. Replacement of baggage conveyor systems.
- Sec. 143. Authority to use certain funds for airport security programs and activities.
- Sec. 144. Grant assurances.
- Sec. 145. Clarification of allowable project costs.
- Sec. 146. Apportionments to primary airports.
- Sec. 147. Cargo airports.
- Sec. 148. Considerations in making discretionary grants.
- Sec. 149. Flexible funding for nonprimary airport apportionments.
- Sec. 150. Use of apportioned amounts.
- Sec. 151. Increase in apportionment for, and flexibility of, noise compatibility planning programs.
- Sec. 152. Pilot program for purchase of airport development rights.
- Sec. 153. Military airport program.
- Sec. 154. Airport safety data collection.
- Sec. 155. Airport privatization pilot program.
- Sec. 156. Innovative financing techniques.
- Sec. 157. Airport security program.



- Sec. 158. Emission credits for air quality projects.
- Sec. 159. Low-emission airport vehicles and infrastructure.
- Sec. 160. Compatible land use planning and projects by State and local governments.
- Sec. 161. Temporary increase in Government share of certain AIP project costs.
- Sec. 162. Share of airport project costs.
- Sec. 163. Federal share for private ownership of airports.
- Sec. 164. Disposition of land acquired for noise compatibility purposes.
- Sec. 165. Hangar construction grant assurance.
- Sec. 166. Terminal development costs.

#### Subtitle D—Miscellaneous

- Sec. 181. Design-build contracting.
- Sec. 182. Pilot program for innovative financing of air traffic control equipment.
- Sec. 183. Cost sharing of air traffic modernization projects.
- Sec. 184. Facilities and equipment reports.
- Sec. 185. Civil penalty for permanent closure of an airport without providing sufficient notice.
- Sec. 186. Midway Island Airport.
- Sec. 187. Intermodal planning.
- Sec. 188. Marshall Islands, Micronesia, and Palau.
- Sec. 189. Limitation on approval of certain programs.
- Sec. 190. Conveyance of airport.

### TITLE II—FAA ORGANIZATION

#### Subtitle A—FAA Reform

- Sec. 201. Management advisory committee members.
- Sec. 202. Reorganization of the air traffic services subcommittee.
- Sec. 203. Clarification of the responsibilities of the Chief Operating Officer.
- Sec. 204. Deputy Administrator.

#### Subtitle B—Miscellaneous

- Sec. 221. Controller staffing.
- Sec. 222. Whistleblower protection under acquisition management system.
- Sec. 223. FAA purchase cards.
- Sec. 224. Procurement.
- Sec. 225. Definitions.
- Sec. 226. Air traffic controller retirement.
- Sec. 227. Design organization certificates.
- Sec. 228. Judicial review.
- Sec. 229. Overflight fees.

### TITLE III—ENVIRONMENTAL PROCESS

#### Subtitle A—Aviation Development Streamlining

- Sec. 301. Short title.
- Sec. 302. Findings.
- Sec. 303. Airport capacity enhancement.
- Sec. 304. Aviation project streamlining.
- Sec. 305. Elimination of duplicative requirements.
- Sec. 306. Construction of certain airport capacity projects.
- Sec. 307. Issuance of orders.
- Sec. 308. Limitations.
- Sec. 309. Relationship to other requirements.

#### Subtitle B—Miscellaneous

- Sec. 321. Report on long-term environmental improvements.
- Sec. 322. Noise disclosure.
- Sec. 323. Overflights of national parks.
- Sec. 324. Noise exposure maps.
- Sec. 325. Implementation of Chapter 4 noise standards.
- Sec. 326. Reduction of noise and emissions from civilian aircraft.
- Sec. 327. Special rule for airport in Illinois.

### TITLE IV—AIRLINE SERVICE IMPROVEMENTS

#### Subtitle A—Small Community Air Service

- Sec. 401. Exemption from hold-in requirements.
- Sec. 402. Adjustments to account for significantly increased costs.
- Sec. 403. Joint proposals.

- Sec. 404. Essential air service authorization.
- Sec. 405. Community and regional choice programs.
- Sec. 406. Code-sharing pilot program.
- Sec. 407. Tracking service.
- Sec. 408. EAS local participation program.
- Sec. 409. Measurement of highway miles for purposes of determining eligibility of essential air service subsidies.
- Sec. 410. Incentive program.
- Sec. 411. National Commission on Small Community Air Service.
- Sec. 412. Small community air service.

#### Subtitle B—Miscellaneous

- Sec. 421. Data on incidents and complaints involving passenger and baggage security screening.
- Sec. 422. Delay reduction actions.
- Sec. 423. Collaborative decisionmaking pilot program.
- Sec. 424. Competition disclosure requirement for large and medium hub airports.
- Sec. 425. Slot exemptions at Ronald Reagan Washington National Airport.
- Sec. 426. Definition of commuter aircraft.
- Sec. 427. Airfares for members of the Armed Forces.
- Sec. 428. Air carriers required to honor tickets for suspended service.

#### TITLE V—AVIATION SAFETY

- Sec. 501. Counterfeit or fraudulently represented parts violations.
- Sec. 502. Runway safety standards.
- Sec. 503. Civil penalties.
- Sec. 504. Improvement of curriculum standards for aviation maintenance technicians.
- Sec. 505. Assessment of wake turbulence research and development program.
- Sec. 506. FAA inspector training.
- Sec. 507. Air transportation oversight system plan.

#### TITLE VI—AVIATION SECURITY

- Sec. 601. Certificate actions in response to a security threat.
- Sec. 602. Justification for air defense identification zone.
- Sec. 603. Crew training.
- Sec. 604. Study of effectiveness of transportation security system.
- Sec. 605. Airport security improvement projects.
- Sec. 606. Charter security.
- Sec. 607. CAPPS2.
- Sec. 608. Report on passenger prescreening program.
- Sec. 609. Arming cargo pilots against terrorism.
- Sec. 610. Removal of cap on TSA staffing level.
- Sec. 611. Foreign repair stations.
- Sec. 612. Flight training.
- Sec. 613. Deployment of screeners at Kenai, Homer, and Valdez, Alaska.

#### TITLE VII—AVIATION RESEARCH

- Sec. 701. Authorization of appropriations.
- Sec. 702. Federal Aviation Administration Science and Technology Scholarship Program.
- Sec. 703. National Aeronautics and Space Administration Science and Technology Scholarship Program.
- Sec. 704. Research program to improve airfield pavements.
- Sec. 705. Ensuring appropriate standards for airfield pavements.
- Sec. 706. Development of analytical tools and certification methods.
- Sec. 707. Research on aviation training.
- Sec. 708. FAA Center for Excellence for applied research and training in the use of advanced materials in transport aircraft.
- Sec. 709. Air Transportation System Joint Planning and Development Office.
- Sec. 710. Next generation air transportation senior policy committee.
- Sec. 711. Rotorcraft research and development initiative.
- Sec. 712. Airport Cooperative Research Program.

#### TITLE VIII—MISCELLANEOUS

- Sec. 801. Definitions.
- Sec. 802. Report on aviation safety reporting system.
- Sec. 803. Anchorage air traffic control.
- Sec. 804. Extension of Metropolitan Washington Airports Authority.
- Sec. 805. Improvement of aviation information collection.

- Sec. 806. Government-financed air transportation.
- Sec. 807. Air carrier citizenship.
- Sec. 808. United States presence in global air cargo industry.
- Sec. 809. Availability of aircraft accident site information.
- Sec. 810. Notice concerning aircraft assembly.
- Sec. 811. Type certificates.
- Sec. 812. Reciprocal airworthiness certification.
- Sec. 813. International role of the FAA.
- Sec. 814. Flight attendant certification.
- Sec. 815. Air quality in aircraft cabins.
- Sec. 816. Recommendations concerning travel agents.
- Sec. 817. Reimbursement for losses incurred by general aviation entities.
- Sec. 818. International air show.
- Sec. 819. Report on certain market developments and government policies.
- Sec. 820. International air transportation.
- Sec. 821. Reimbursement of air carriers for certain screening and related activities.
- Sec. 822. Charter airlines.
- Sec. 823. General aviation flights at Ronald Reagan Washington National Airport.
- Sec. 824. Review of air carrier compensation.
- Sec. 825. Noise control plan for certain airports.
- Sec. 826. GAO report on airlines' actions to improve finances and on executive compensation.
- Sec. 827. Private air carriage in Alaska.
- Sec. 828. Report on waivers of preference for buying goods produced in the United States.
- Sec. 829. Navigation fees.

TITLE IX—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND  
EXPENDITURE AUTHORITY

- Sec. 901. Extension of expenditure authority.
- Sec. 902. Technical correction to flight segment.

**SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 3. APPLICABILITY.**

49 USC 106 note.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2003.

**SEC. 4. FINDINGS.**

49 USC 40101 note.

Congress finds the following:

(1) The United States has revolutionized the way people travel, developing new technologies and aircraft to move people more efficiently and more safely.

(2) Past Federal investment in aeronautics research and development has benefited the economy and national security of the United States and the quality of life of its citizens.

(3) The total impact of civil aviation on the United States economy exceeds \$900,000,000,000 annually and accounts for 9 percent of the gross national product and 11,000,000 jobs in the national workforce. Civil aviation products and services generate a significant surplus for United States trade accounts, and amount to significant numbers of the Nation's highly skilled, technologically qualified work force.

(4) Aerospace technologies, products, and services underpin the advanced capabilities of our men and women in uniform and those charged with homeland security.

(5) Future growth in civil aviation increasingly will be constrained by concerns related to aviation system safety and

\* \* \* \* \*



responding to the issues raised by the court in *Air Transport Association of Canada v. Federal Aviation Administration and Administrator, FAA*, decided on April 8, 2003, and (2) consults with users and other interested parties regarding the consistency of the fees established under such section with the international obligations of the United States.

(c) **ENFORCEMENT.**—The Administrator shall take an appropriate enforcement action under subtitle VII of title 49, United States Code, against any user that does not pay a fee under section 45301(a)(1) of such title.

## **TITLE III—ENVIRONMENTAL PROCESS**

### **Subtitle A—Aviation Development Streamlining**

Aviation  
Streamlining  
Approval Process  
Act of 2003.

#### **SEC. 301. SHORT TITLE.**

This title may be cited as “Aviation Streamlining Approval Process Act of 2003”.

49 USC 40101  
note.

#### **SEC. 302. FINDINGS.**

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation’s major airports have a significant negative impact on our Nation’s economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

49 USC 47171  
note.

#### **SEC. 303. AIRPORT CAPACITY ENHANCEMENT.**

Section 40104 is amended by adding at the end the following:

“(c) **AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.**—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47176.”.

#### **SEC. 304. AVIATION PROJECT STREAMLINING.**

(a) **IN GENERAL.**—Chapter 471 is amended by inserting after subchapter II the following:

\* \* \* \* \*

et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.

49 USC 47171  
note.

**SEC. 309. RELATIONSHIP TO OTHER REQUIREMENTS.**

The coordinated review process required under the amendments made by this subtitle shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).

## Subtitle B—Miscellaneous

49 USC 40101  
note.

**SEC. 321. REPORT ON LONG-TERM ENVIRONMENTAL IMPROVEMENTS.**

(a) **IN GENERAL.**—The Secretary of Transportation, in consultation with the Administrator of the National Aeronautics and Space Administration, shall conduct a study of ways to reduce aircraft noise and emissions and to increase aircraft fuel efficiency. The study shall—

(1) explore new operational procedures for aircraft to achieve those goals;

(2) identify both near-term and long-term options to achieve those goals;

(3) identify infrastructure changes that would contribute to attainment of those goals;

(4) identify emerging technologies that might contribute to attainment of those goals;

(5) develop a research plan for application of such emerging technologies, including new combustor and engine design concepts and methodologies for designing high bypass ratio turbofan engines so as to minimize the effects on climate change per unit of production of thrust and flight speed; and

(6) develop an implementation plan for exploiting such emerging technologies to attain those goals.

Deadline.

(b) **REPORT.**—The Secretary shall transmit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$500,000 for fiscal year 2004 to carry out this section.

49 USC 47503  
note.

**SEC. 322. NOISE DISCLOSURE.**

(a) **NOISE DISCLOSURE SYSTEM IMPLEMENTATION STUDY.**—The Administrator of the Federal Aviation Administration shall conduct a study to determine the feasibility of developing a program under which prospective home buyers of property located in the vicinity of an airport could be notified of information derived from noise exposure maps that may affect the use and enjoyment of the property. The study shall assess the scope, administration, usefulness, and burdensomeness of any such program, the costs and benefits of such a program, and whether participation in such a program should be voluntary or mandatory.

(b) **PUBLIC AVAILABILITY OF NOISE EXPOSURE MAPS.**—The Administrator shall make noise exposure and land use information

from noise exposure maps available to the public via the Internet on its website in an appropriate format.

(c) **NOISE EXPOSURE MAP.**—In this section, the term “noise exposure map” means a noise exposure map prepared under section 47503 of title 49, United States Code.

**SEC. 323. OVERFLIGHTS OF NATIONAL PARKS.**

(a) **IN GENERAL.**—Section 40128 is amended—

(1) in subsection (a)(1) by inserting “, as defined by this section,” after “lands” the first place it appears;

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting “over a national park” after “operations”;

(3) in subsection (b)(3)(C) by inserting “over a national park that are also” after “operations”;

(4) in subsection (b)(3)(D) by striking “at the park” and inserting “over a national park”;

(5) in subsection (b)(3)(E) by inserting “over a national park” after “operations” the first place it appears;

(6) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting “over a national park” after “operations”;

(7) in subsection (f)(1) by inserting “over a national park” after “operation”;

(8) in subsection (f)(4)(A)—

(A) by striking “commercial air tour operation” and inserting “commercial air tour operation over a national park”; and

(B) by striking “park, or over tribal lands,” and inserting “park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),”;

(9) in subsection (f)(4)(B) by inserting “over a national park” after “operation”; and

(10) in the heading for paragraph (4) of subsection (f) by inserting “OVER A NATIONAL PARK” after “OPERATION”.

(b) **QUIET TECHNOLOGY RULEMAKING FOR AIR TOURS OVER GRAND CANYON NATIONAL PARK.**—

(1) **DEADLINE FOR RULE.**—No later than January 2005, the Secretary of Transportation shall issue a final rule to establish standards for quiet technology that are reasonably achievable at Grand Canyon National Park, based on the Supplemental Notice of Proposed Rulemaking on Noise Limitations for Aircraft Operations in the Vicinity of Grand Canyon National Park, published in the Federal Register on March 24, 2003.

(2) **RESOLUTION OF DISPUTES.**—Subject to applicable administrative law and procedures, if the Secretary determines that a dispute among interested parties (including outside groups) or government agencies cannot be resolved within a reasonable time frame and could delay finalizing the rulemaking described in subsection (a), or implementation of final standards under such rule, due to controversy over adoption of quiet technology routes, establishment of incentives to encourage adoption of such routes, establishment of incentives to encourage adoption of quiet technology, or other measures to achieve substantial restoration of natural quiet, the Secretary shall refer such dispute to a recognized center for environmental conflict resolution.

49 USC 40128  
note.

\* \* \* \* \*



**SEC. 712. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

Section 44511 is amended by adding at the end the following new subsection:

“(f) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

“(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a 4-year pilot airport cooperative research program to—

“(A) identify problems that are shared by airport operating agencies and can be solved through applied research but that are not being adequately addressed by existing Federal research programs; and

“(B) fund research to address those problems.

Establishment.

“(2) GOVERNANCE.—The Secretary of Transportation shall appoint an independent governing board for the research program established under this subsection. The governing board shall be appointed from candidates nominated by national associations representing public airport operating agencies, airport executives, State aviation officials, and the scheduled airlines, and shall include representatives of appropriate Federal agencies. Section 14 of the Federal Advisory Committee Act shall not apply to the governing board.

Contracts.

“(3) IMPLEMENTATION.—The Secretary of Transportation shall enter into an arrangement with the National Academy of Sciences to provide staff support to the governing board established under paragraph (2) and to carry out projects proposed by the governing board that the Secretary considers appropriate.

Deadline.

“(4) REPORT.—Not later than 6 months after the expiration of the program under this subsection, the Secretary shall transmit to the Congress a report on the program, including recommendations as to the need for establishing a permanent airport cooperative research program.”.

**TITLE VIII—MISCELLANEOUS****SEC. 801. DEFINITIONS.**

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

“(23) ‘small hub airport’ means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.”;

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

“(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

“(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.”;

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

\* \* \* \* \*

“(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

“(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

“(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

“(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that each annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.”.

(b) **WAIVERS.**—Section 41104(b) is amended by adding at the end the following:

“(4) **WAIVERS.**—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.”.

**SEC. 823. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

49 USC 41718  
note.

(a) **SECURITY PLAN.**—The Secretary of Homeland Security shall develop and implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport.

(b) **LANDINGS AND TAKEOFFS.**—The Administrator of the Federal Aviation Administration shall allow general aviation aircraft that comply with the requirements of the security plan to land and take off at the Airport except during any period that the President suspends the plan developed under subsection (a) due to national security concerns.

(c) **REPORT.**—If the President suspends the security plan developed under subsection (a), the President shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the reasons for the suspension not later than 30 days following the first day of the suspension. The report may be submitted in classified form.

President.

**SEC. 824. REVIEW OF AIR CARRIER COMPENSATION.**

Deadline.  
Reports.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the criteria and procedures used by the Secretary of Transportation under the Air Transportation Safety and System Stabilization Act (Public Law 107-42) to compensate air carriers after the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate—

(1) to compensate air carriers for the decrease in value of their aircraft after September 11, 2001; and

(2) to ensure that comparable air carriers receive comparable percentages of the maximum compensation payable under section 103(b)(2) of such Act (49 U.S.C. 40101 note).

**SEC. 825. NOISE CONTROL PLAN FOR CERTAIN AIRPORTS.**

(a) **IN GENERAL.**—Notwithstanding chapter 475 of title 49, United States Code, or any other provision of law or regulation,



a sponsor of a commercial service airport that does not own the airport land and is a party to a long-term lease agreement with a Federal agency (other than the Department of Defense or the Department of Transportation) may impose restrictions on, or prohibit, the operation of Stage 2 aircraft weighing less than 75,000 pounds, in order to help meet the noise control plan contained within the lease agreement. A use restriction imposed pursuant to this section must contain reasonable exemptions for public health and safety.

(b) **PUBLIC NOTICE AND COMMENT.**—Prior to imposing restrictions on, or prohibiting, the operation of Stage 2 aircraft weighing less than 75,000 pounds, the airport sponsor must provide reasonable notice and the opportunity to comment on the proposed airport use restriction limited to no more than 90 days.

(c) **DEFINITIONS.**—In this section, the terms “Stage 2 aircraft” and “Stage 3 aircraft” have the same meaning as those terms have in chapter 475 of title 49, United States Code.

49 USC 40101  
note.

**SEC. 826. GAO REPORT ON AIRLINES’ ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.**

(a) **FINDING.**—Congress finds that the United States Government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, Congress needs more frequent information and independently verified information about the financial condition of these airlines.

Deadline.

(b) **GAO REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General shall prepare a report for Congress analyzing the financial condition of the United States airline industry in its efforts to reduce the costs, improve the earnings and profits and balances of each individual air carrier. The report shall recommend steps that the industry should take to become financially self-sufficient.

Certification.

(c) **GAO AUTHORITY.**—In order to compile the report required by subsection (b), the Comptroller General, or any of the Comptroller General’s duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the report. The Comptroller General shall submit with the report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) **REPORTS TO CONGRESS.**—The Comptroller General shall transmit the report required by subsection (b) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

**SEC. 827. PRIVATE AIR CARRIAGE IN ALASKA.**

(a) **IN GENERAL.**—Due to the demands of conducting business within and from the State of Alaska, the Secretary of Transportation shall permit, under the operating rules of part 91 of title 14 of the Code of Federal Regulations where common carriage is not involved, a company, located in the State of Alaska, to organize

\* \* \* \* \*



(2) by inserting before the semicolon at the end of subparagraph (A) the following: “or the Vision 100—Century of Aviation Reauthorization Act”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(f) of the Internal Revenue Code of 1986 is amended by striking “October 1, 2003” and inserting “October 1, 2007”.

**SEC. 902. TECHNICAL CORRECTION TO FLIGHT SEGMENT.**

26 USC 4261.

(a) SPECIAL RULE.—Section 4261(e)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR AMOUNTS PAID FOR DOMESTIC SEGMENTS BEGINNING AFTER 2002.—If an amount is paid during a calendar year for a domestic segment beginning in a later calendar year, then the rate of tax under subsection (b) on such amount shall be the rate in effect for the calendar year in which such amount is paid.”.

26 USC 4261  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

Approved December 12, 2003.

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**LEGISLATIVE HISTORY—H.R. 2115 (S. 824):**

HOUSE REPORTS: Nos. 108-143 (Comm. on Transportation and Infrastructure) and 108-240 and 108-334 (both from Comm. of Conference).

SENATE REPORTS: No. 108-41 accompanying S. 824 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 149 (2003):

June 11, considered and passed House.

June 12, considered and passed Senate, amended, in lieu of S. 824.

Oct. 28, House recommitted conference report pursuant to H. Res. 337.

Oct. 30, House agreed to conference report.

Nov. 21, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 12, Presidential statement.



Public Law 108-190  
108th Congress

An Act

To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

Dec. 19, 2003

[H.R. 622]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 431 note.

SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain private lands adjacent to the Montezuma Castle National Monument in Yavapai County, Arizona, are desirable for Federal acquisition to protect important riparian values along Beaver Creek and the scenic backdrop for the National Monument.

(2) Certain other inholdings in the Coconino National Forest are desirable for Federal acquisition to protect important public values near Double Cabin Park.

(3) Approximately 108 acres of land within the Tonto National Forest, northeast of Payson, Arizona, are currently occupied by 45 residential cabins under special use permits from the Secretary of Agriculture, and have been so occupied since the mid-1950s, rendering such lands of limited use and enjoyment potential for the general public. Such lands are, therefore, appropriate for transfer to the cabin owners in exchange for lands that will have higher public use values.

(4) In return for the privatization of such encumbered lands the Secretary of Agriculture has been offered approximately 495 acres of non-Federal land (known as the Q Ranch) within the Tonto National Forest, east of Young, Arizona, in an area where the Secretary has completed previous land exchanges to consolidate public ownership of National Forest lands.

(5) The acquisition of the Q Ranch non-Federal lands by the Secretary will greatly increase National Forest management efficiency and promote public access, use, and enjoyment of the area and surrounding National Forest System lands.

(b) PURPOSE.—The purpose of this Act is to authorize, direct, facilitate, and expedite the consummation of the land exchanges set forth herein in accordance with the terms and conditions of this Act.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) DPSHA.—The term “DPSHA” means the Diamond Point Summer Homes Association, a nonprofit corporation in the State of Arizona.

(2) **FEDERAL LAND.**—The term “Federal land” means land to be conveyed into non-Federal ownership under this Act.

(3) **FLPMA.**—The term “FLPMA” means the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701 et seq.).

(4) **MCJV.**—The term “MCJV” means the Montezuma Castle Land Exchange Joint Venture Partnership, an Arizona Partnership.

(5) **NON-FEDERAL LAND.**—The term “non-Federal land” means land to be conveyed to the Secretary of Agriculture under this Act.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

### SEC. 3. MONTEZUMA CASTLE LAND EXCHANGE.

(a) **LAND EXCHANGE.**—Upon receipt of a binding offer from MCJV to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to MCJV all right, title, and interest of the United States in and to the Federal land described in subsection (c).

(b) **NON-FEDERAL LAND.**—The land described in this subsection is the following:

(1) The approximately 157 acres of land adjacent to the Montezuma Castle National Monument, as generally depicted on the map entitled “Montezuma Castle Contiguous Lands”, dated May 2002.

(2) Certain private land within the Coconino National Forest, Arizona, comprising approximately 108 acres, as generally depicted on the map entitled “Double Cabin Park Lands”, dated September 2002.

(c) **FEDERAL LAND.**—The Federal land described in this subsection is the approximately 222 acres in the Tonto National Forest, Arizona, and surveyed as Lots 3, 4, 8, 9, 10, 11, 16, and 17, and Tract 40 in section 32, Township 11 North, Range 10 East, Gila and Salt River Meridian, Arizona.

(d) **EQUAL VALUE EXCHANGE.**—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and MCJV and performed in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, the Secretary shall delete Federal lots from the conveyance to MCJV in the following order and priority, as necessary, until the values of Federal and non-Federal land are within the 25 percent cash equalization limit of section 206(b) of FLPMA (43 U.S.C. 1716(b)):

- (1) Lot 3.
- (2) Lot 4.
- (3) Lot 9.
- (4) Lot 10.
- (5) Lot 11.
- (6) Lot 8.

Applicability.

(e) **CASH EQUALIZATION.**—Any difference in value remaining after compliance with subsection (d) shall be equalized by the payment of cash to the Secretary or MCJV, as the circumstances dictate, in accordance with section 206(b) of FLPMA (43 U.S.C.



1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the “Sisk Act”) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

#### SEC. 4. DIAMOND POINT—Q RANCH LAND EXCHANGE.

(a) IN GENERAL.—Upon receipt of a binding offer from DPSHA to convey title acceptable to the Secretary to the land described in subsection (b), the Secretary shall convey to DPSHA all right, title, and interest of the United States in and to the land described in subsection (c).

(b) NON-FEDERAL LAND.—The land described in this subsection is the approximately 495 acres of non-Federal land generally depicted on the map entitled “Diamond Point Exchange—Q Ranch Non-Federal Lands”, dated May 2002.

(c) FEDERAL LAND.—The Federal land described in this subsection is the approximately 108 acres northeast of Payson, Arizona, as generally depicted on the map entitled “Diamond Point Exchange—Federal Land”, dated May 2002.

(d) EQUAL VALUE EXCHANGE.—The values of the non-Federal and Federal land directed to be exchanged under this section shall be equal or equalized as determined by the Secretary through an appraisal performed by a qualified appraiser mutually agreed to by the Secretary and DPSHA and in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (U.S. Department of Justice, December 2000), and section 206(d) of FLPMA (43 U.S.C. 1716(d)). If the values are not equal, they shall be equalized by the payment of cash to the Secretary or DPSHA pursuant to section 206(b) of FLPMA (43 U.S.C. 1716(b)). Public Law 90-171 (16 U.S.C. 484a; commonly known as the “Sisk Act”) shall, without further appropriation, apply to any cash equalization payment received by the United States under this section.

Applicability.

(e) SPECIAL USE PERMIT TERMINATION.—Upon execution of the land exchange authorized by this section, all special use cabin permits on the Federal land shall be terminated.

#### SEC. 5. MISCELLANEOUS PROVISIONS.

(a) EXCHANGE TIMETABLE.—Not later than 6 months after the Secretary receives an offer under section 3 or 4, the Secretary shall execute the exchange under section 3 or 4, respectively, unless the Secretary and MCJV or DPSHA, respectively, mutually agree to extend such deadline.

Deadline.

(b) EXCHANGE PROCESSING.—Prior to executing the land exchanges authorized by this Act, the Secretary shall perform any necessary land surveys and required preexchange clearances, reviews, and approvals relating to threatened and endangered species, cultural and historic resources, wetlands and floodplains and hazardous materials. If 1 or more of the Federal land parcels or lots, or portions thereof, cannot be transferred to MCJV or DPSHA due to hazardous materials, threatened or endangered species, cultural or historic resources, or wetland and flood plain problems, the parcel or lot, or portion thereof, shall be deleted from the exchange, and the values of the lands to be exchanged adjusted in accordance with subsections (d) and (e) of section 3 or section 4(d), as appropriate. In order to save administrative costs to the United States, the costs of performing such work, including the appraisals required pursuant to this Act, shall be paid by MCJV or DPSHA for the relevant property, except for the costs of any

such work (including appraisal reviews and approvals) that the Secretary is required or elects to have performed by employees of the Department of Agriculture.

(c) **FEDERAL LAND RESERVATIONS AND ENCUMBRANCES.**—The Secretary shall convey the Federal land under this Act subject to valid existing rights, including easements, rights-of-way, utility lines and any other valid encumbrances on the Federal land as of the date of the conveyance under this Act. If applicable to the land conveyed, the Secretary shall also retain any right of access as may be required by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) for remedial or corrective action relating to hazardous substances as may be necessary in the future.

(d) **ADMINISTRATION OF ACQUIRED LAND.**—The land acquired by the Secretary pursuant to this Act shall become part of the Tonto or Coconino National Forest, as appropriate, and be administered as such in accordance with the laws, rules, and regulations generally applicable to the National Forest System. Such land may be made available for domestic livestock grazing if determined appropriate by the Secretary in accordance with the laws, rules, and regulations applicable thereto on National Forest System land.

(e) **TRANSFER OF LAND TO NATIONAL PARK SERVICE.**—Upon their acquisition by the United States, the “Montezuma Castle Contiguous Lands” identified in section 3(b)(1) shall be transferred to the administrative jurisdiction of the National Park Service, and shall thereafter be permanently incorporated in, and administered by the Secretary of the Interior as part of, the Montezuma Castle National Monument.

Approved December 19, 2003.

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**LEGISLATIVE HISTORY—H.R. 622**

SENATE REPORTS: No. 108-137 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

Apr. 1, considered and passed House.

Nov. 24, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendments.



Public Law 108-192  
108th Congress

An Act

To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

Dec. 19, 2003  
[H.R. 1012]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Carter G. Woodson Home National Historic Site Act”.

Carter G.  
Woodson Home  
National Historic  
Site Act.  
16 USC 461 note.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) **CARTER G. WOODSON HOME.**—The term “Carter G. Woodson Home” means the property located at 1538 Ninth Street, Northwest, in the District of Columbia, as depicted on the map.

(2) **HISTORIC SITE.**—The term “historic site” means the Carter G. Woodson Home National Historic Site.

(3) **MAP.**—The term “map” means the map entitled “Carter G. Woodson Home National Historic Site”, numbered 876/82338-A and dated July 22, 2003.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 3. CARTER G. WOODSON HOME NATIONAL HISTORIC SITE.**

(a) **ESTABLISHMENT.**—Upon acquisition by the Secretary of the Carter G. Woodson Home, or interests therein, the Secretary shall establish the historic site as a unit of the National Park System by publication of a notice to that effect in the Federal Register.

(b) **ADDITIONS TO HISTORIC SITE.**—

(1) **IN GENERAL.**—The Secretary may acquire any of the 3 properties immediately north of the Carter G. Woodson Home located at 1540, 1542, and 1544 Ninth Street, Northwest, described on the map as “Potential Additions to National Historic Site”, for addition to the historic site.

(2) **BOUNDARY REVISION.**—Upon the acquisition of any of the properties described in paragraph (1), the Secretary shall revise the boundaries of the historic site to include the property.

(c) **AVAILABILITY OF MAP.**—The map shall be available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) **ACQUISITION AUTHORITY.**—The Secretary may acquire the Carter G. Woodson Home or any of the properties described in subsection (b)(1), including interests therein, and any improvements



to the land by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(e) ADMINISTRATION.—(1) The Secretary shall administer the historic site in accordance with this Act and with laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2-4) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

Deadline.

(2) GENERAL MANAGEMENT PLAN.—The Secretary shall prepare a general management plan for the historic site not later than three years after the date on which funds are made available for that purpose.

#### SEC. 4. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements with public or private entities to provide public interpretation and education of African-American heritage in the Shaw area of the District of Columbia.

(b) REHABILITATION.—In order to achieve cost efficiencies in the restoration of properties within the historic site, the Secretary may enter into an agreement with public or private entities to restore and rehabilitate the Carter G. Woodson Home and other properties within the boundary of the historic site, subject to such terms and conditions as the Secretary deems necessary.

(c) AGREEMENT WITH THE ASSOCIATION FOR THE STUDY OF AFRICAN-AMERICAN LIFE AND HISTORY.—In order to reestablish the historical connection between the Carter G. Woodson Home and the association Dr. Woodson founded, and to facilitate interpretation of Dr. Woodson's achievements, the Secretary may enter into an agreement with The Association for the Study of African-American Life and History that allows the association to use a portion of the historic site for its own administrative purposes. Such agreement shall ensure that the association's use of a portion of the historic site is consistent with the administration of the historic site, including appropriate public access and rent, and such other terms and conditions as the Secretary deems necessary.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved December 19, 2003.

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#### LEGISLATIVE HISTORY—H.R. 1012:

SENATE REPORTS: No. 108-138 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 149 (2003):

May 14, considered and passed House.

Nov. 24, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendment.

○

Public Law 108-196  
108th Congress

An Act

Dec. 19, 2003

[S. 1683]

Federal Law  
Enforcement Pay  
and Benefits  
Parity Act of  
2003.  
Inter-  
governmental  
relations.  
5 USC 101 note.

To provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Law Enforcement Pay and Benefits Parity Act of 2003”.

**SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.**

(a) **DEFINITION.**—In this section, the term “law enforcement officer” means an individual—

(1)(A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

Deadline.

(b) **REPORT.**—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

5 USC 3371 note.

**SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.**

(a) **DEFINITIONS.**—In this section—

(1) the term “employing agency” means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term “participating employee” means an employee who is participating in the Program; and

(3) the term “Program” means the employee exchange program established under subsection (b).

(b) **ESTABLISHMENT.**—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions. President.

(c) **CONDUCT OF PROGRAM.**—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) **QUALIFICATIONS.**—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a period not less than the length of the assignment.

(e) **WRITTEN AGREEMENT.**—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

Approved December 19, 2003.

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**LEGISLATIVE HISTORY—S. 1683:**

SENATE REPORTS: No. 108-207 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Nov. 25, considered and passed Senate.

Dec. 8, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 39 (2003):

Dec. 19, Presidential statement.

○



Public Law 108-199  
108th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Jan. 23, 2003

[H.R. 2673]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Consolidated  
Appropriations  
Act, 2004.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2004”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2004

Title I—Agricultural Programs

Title II—Conservation Programs

Title III—Rural Development Programs

Title IV—Domestic Food Programs

Title V—Foreign Assistance and Related Programs

Title VI—Related Agencies and Food and Drug Administration

Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2004

Title I—Department of Justice

Title II—Department of Commerce and Related Agencies

Title III—The Judiciary

Title IV—Department of State and Related Agency

Title V—Related Agencies

Title VI—General Provisions

Title VII—Rescissions

Title VIII—Alaskan Fisheries

DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2004

Title I—Federal Funds

Title II—District of Columbia Funds

Title III—DC School Choice Incentive Act of 2003

Title IV—General Provisions

DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2004

Title I—Export and Investment Assistance

Title II—Bilateral Economic Assistance

Title III—Military Assistance

Title IV—Multilateral Economic Assistance

Title V—General Provisions  
 Title VI—Millennium Challenge Act of 2003

**DIVISION E—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION,  
 AND RELATED AGENCIES APPROPRIATIONS, 2004**

Title I—Department of Labor  
 Title II—Department of Health and Human Services  
 Title III—Department of Education  
 Title IV—Related Agencies  
 Title V—General Provisions

**DIVISION F—TRANSPORTATION, TREASURY, AND INDEPENDENT  
 AGENCIES APPROPRIATIONS, 2004**

Title I—Department of Transportation  
 Title II—Department of the Treasury  
 Title III—Executive Office of the President and Funds Appropriated to the President  
 Title IV—Independent Agencies  
 Title V—General Provisions  
 Title VI—General Provisions—Departments, Agencies, and Corporations

**DIVISION G—VETERANS AFFAIRS AND HOUSING AND URBAN  
 DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2004**

Title I—Department of Veterans Affairs  
 Title II—Department of Housing and Urban Development  
 Title III—Independent Agencies  
 Title IV—General Provisions  
 Title V—Pesticide Products and Fees

**DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS**

1 USC 1 note.

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

Agriculture,  
 Rural  
 Development,  
 Food and Drug  
 Administration,  
 and Related  
 Agencies  
 Appropriations  
 Act, 2004.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT,  
 FOOD AND DRUG ADMINISTRATION, AND RELATED  
 AGENCIES APPROPRIATIONS ACT, 2004**

**An Act**

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes, namely:

\* \* \* \* \*

Deadline.

(2) NOTIFICATION.—The Corporation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

This division may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004”.

Departments of  
Labor, Health  
and Human  
Services, and  
Education, and  
Related Agencies  
Appropriations  
Act, 2004.

## **DIVISION E—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2004**

### **An Act**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

Department of  
Labor  
Appropriations  
Act, 2004.

### **TITLE I—DEPARTMENT OF LABOR**

#### **EMPLOYMENT AND TRAINING ADMINISTRATION**

##### **TRAINING AND EMPLOYMENT SERVICES**

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,697,654,000 plus reimbursements, of which \$1,666,473,000 is available for obligation for the period July 1, 2004 through June 30, 2005; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which \$1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$276,608,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,180,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act may be used to provide assistance to a State for state-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with

\* \* \* \* \*



in the Federal needs analysis methodology, as prescribed by the Secretary on May 30, 2003 (68 Fed. Reg. 32473).

Deadline.

SEC. 306. The Secretary of Education shall treat as timely filed an application under section 8003 of the Elementary and Secondary Education Act of 1965 from the local educational agency for Hydaburg, Alaska, for a payment for fiscal year 2004, and shall process such application for payment, if the Secretary has received the fiscal year 2004 application not later than 30 days after the date of enactment of this Act.

This title may be cited as the "Department of Education Appropriations Act, 2004".

#### TITLE IV—RELATED AGENCIES

##### ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$65,279,000, of which \$1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

##### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

###### DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$356,443,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

##### CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, \$400,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for fiscal year 2004, in addition to the amounts provided above, \$50,000,000 shall be for costs related

to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2004, in addition to the amounts provided above, \$10,000,000 shall be for the costs associated with implementing the first phase of the next generation interconnection system.

#### FEDERAL MEDIATION AND CONCILIATION SERVICE

##### SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,385,000, including \$1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

##### SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$7,774,000.

#### INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, \$262,596,000, to remain available until expended: *Provided*, That of the amount provided, \$125,000 shall be awarded to the Alabama School of Math and Science at the University of Alabama for technology upgrades and library resources, \$50,000 shall be awarded to the Alaska Moving Image Preservation Association, Anchorage, Alaska, to digitize files/photos/videos of Alaskan history, \$25,000 shall be awarded to the Alex Haley House Museum, Henning, Tennessee, for care and preservation of collection, \$500,000 shall be awarded to the Allen County Historical Society, Lima, Ohio, for the "Move Our Past Forward" project to expand and develop exhibits for their Children's Discovery Museum Center, \$75,000 shall be awarded to the Allentown Art Museum, Allentown,

\* \* \* \* \*



\$250,000 shall be awarded to the Metropolitan Museum of Art, New York, in conjunction with the Fairbanks Museum of Art and the Anchorage Museum of History and Art, for costs of mounting the exhibit and for costs associated with bringing the exhibit to Alaska, \$350,000 shall be awarded to the Michigan Space and Science Center, Jackson, Michigan, for development of the strategic plan, operational costs and personnel, \$450,000 shall be awarded to the Mississippi Department of Archives and History, Jackson, Mississippi, to complete the preservation and restoration of the Eudora Welty House, \$75,000 shall be awarded to the Mobile Museum of Art, Mobile, Alabama, for equipment and supplies, and for exhibit design and development, \$100,000 shall be awarded to the Morehouse College Library, Atlanta, Georgia, for historical preservation of documents and records, \$100,000 shall be awarded to the Mother Bethel Foundation, Philadelphia, Pennsylvania, for care and preservation of collection at the Richard Allen Museum, \$225,000 shall be awarded to the Museum of Aviation Foundation Inc., Warner Robins, Georgia, \$250,000 shall be awarded to the Museum of Broadcast Communications, Chicago, Illinois, for educational programming, \$1,000,000 shall be awarded to the Museum of Science in Boston, Massachusetts, for technology upgrades and equipment for the National Center for Technology Literacy, \$100,000 shall be awarded to the Mystic Seaport, the Museum of America and the Sea, Mystic, Connecticut, to support collections, \$50,000 shall be awarded to the National Canal Museum, Easton, Pennsylvania, for educational programming and exhibits on the use of transportation and industrial technology along the Lehigh Canal, \$400,000 shall be awarded to the National Center for American Revolution, Wayne, Pennsylvania, for exhibit design and curriculum development for the Museum of the American Revolution at Valley Forge National Historic Park, \$50,000 shall be awarded to the National Center for the Study of Civil Rights and African-American Culture, Alabama State University, Montgomery, Alabama, for support of events leading into the 50th anniversary of the Montgomery Bus Boycott, \$500,000 shall be awarded to the National Civil Rights Museum in Memphis for exhibit design and development, and for educational programs, \$16,000 shall be awarded to the National Distance Running Hall of Fame, Utica, New York, for display cases and to establish new interactive displays, \$500,000 shall be awarded to the National Liberty Museum, Philadelphia, Pennsylvania, for a teacher training program to assist educators in addressing violence in schools, \$650,000 shall be awarded to the National Mississippi River Museum and Aquarium in Dubuque, Iowa for exhibits, \$200,000 shall be awarded to the National Museum of American Jewish History, Philadelphia, Pennsylvania, for online educational programming and technology modernization, \$1,000,000 shall be awarded to the National Museum of Women in the Arts, Washington, D.C., \$1,000,000 shall be awarded to the Native American Cultural and Educational Authority, Oklahoma City, Oklahoma, for the Oklahoma Native American Culture Center and Museum, to be expended only upon meeting the matching requirements in title III, section 301(b)(2)(B) of Public Law 107-331, \$300,000 shall be awarded to the Negro Leagues Baseball Museum, Kansas City, Missouri, for exhibits for the Double Play Action Center, \$400,000 shall be awarded to the New York Botanical Garden's Virtual Herbarium imaging project in Bronx, New York, \$900,000 shall be awarded to the New York

\* \* \* \* \*



**DIVISION F—DEPARTMENTS OF TRANSPORTATION AND  
TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004**

Transportation,  
Treasury, and  
Independent  
Agencies  
Appropriations  
Act, 2004.

**An Act**

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Treasury and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

**TITLE I**

**DEPARTMENT OF TRANSPORTATION**

**OFFICE OF THE SECRETARY**

**SALARIES AND EXPENSES**

For necessary expenses of the Office of the Secretary, \$80,903,000, of which not to exceed \$2,210,000 shall be available for the immediate Office of the Secretary; not to exceed \$700,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$15,403,000 shall be available for the Office of the General Counsel; not to exceed \$12,312,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$8,536,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,300,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$24,612,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,915,000 shall be available for the Office of Public Affairs; not to exceed \$1,447,000 shall be available for the Office of the Executive Secretariat; not to exceed \$700,000 shall be available for the Board of Contract Appeals; not to exceed \$1,268,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$2,000,000 for the Office of Intelligence and Security; and not to exceed \$7,500,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding

\* \* \* \* \*

Law 101-12), as amended, Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$13,504,000.

#### UNITED STATES POSTAL SERVICE

##### PAYMENT TO THE POSTAL SERVICE FUND

39 USC 403 note.

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$65,521,000, of which \$36,521,000 shall not be available for obligation until October 1, 2004: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2004.

#### UNITED STATES TAX COURT

##### SALARIES AND EXPENSES

26 USC 7443  
note.

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$40,187,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

#### WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, \$250,000.

### TITLE V—GENERAL PROVISIONS

#### THIS ACT

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 501. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

\* \* \* \* \*

SEC. 544. AMENDMENTS TO OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997. (a) SHORT TITLE.—This section may be cited as the “Oklahoma City National Memorial Act Amendments of 2003”.

Oklahoma City  
National  
Memorial Act  
Amendments of  
2003.  
16 USC 450ss  
note.

(b) FOUNDATION DEFINED; CONFORMING AMENDMENT.—Section 3 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-1) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(2) by inserting immediately preceding paragraph (2) (as so redesignated by paragraph (1) of this subsection) the following new paragraph:

“(1) FOUNDATION.—The term ‘Foundation’ means the Oklahoma City National Memorial Foundation, a not-for-profit corporation that is—

“(A) described in section 501(c)(3) of the Internal Revenue Code of 1986;

“(B) exempt from taxation under section 501(a) of such Code; and

“(C) dedicated to the support of the Memorial.”; and

(3) in paragraph (3), by striking “designated under section 5(a)”.

(c) ADMINISTRATION OF MEMORIAL BY FOUNDATION.—Section 4 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-2) is amended—

(1) in subsection (a)—

(A) by striking “a unit” and inserting “an affiliate”; and

(B) by striking the second sentence;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

“(b) ADMINISTRATION OF MEMORIAL.—The Foundation shall administer the Memorial in accordance with this Act and the general objectives of the ‘Memorial Mission Statement’, adopted March 26, 1996, by the Foundation.”; and

(4) in subsection (c) (as so redesignated by paragraph (2) of this subsection) by striking “1997 (hereafter)” and all that follows through the final period and inserting “1997. The map shall be on file and available for public inspection in the appropriate office of the Foundation.”.

(d) TRANSFER OF MEMORIAL PROPERTY, RIGHTS, AUTHORITIES, AND DUTIES.—Section 5 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-3) is amended to read as follows:

“SEC. 5. TRANSFER OF MEMORIAL PROPERTY, RIGHTS, AUTHORITIES, AND DUTIES.

“(a) TRANSFER OF MEMORIAL PROPERTY.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Oklahoma City National Memorial Act Amendments of 2003, the Trust shall transfer to the Foundation—

Deadline.

“(A) all assets of the Trust, including all real and personal property of the Memorial, any appurtenances, buildings, facilities, monuments, contents, artifacts, contracts and contract rights, accounts, deposits, intangibles, trademarks, trade names, copyrights, all other intellectual



property, all other real and personal property of every kind and character comprising the Memorial, and any amounts appropriated for the Trust;

“(B) any property owned by the Trust that is adjacent or related to the Memorial; and

“(C) all property maintained for the Memorial, together with all rights, authorities, and duties relating to the ownership, administration, operation, and management of the Memorial.

“(2) SUBSEQUENT GIFTS.—Any artifact, memorial, or other personal property that is received by, or is intended by any person to be given to, the Trust after the date of transfer of property under paragraph (1) shall be the property of the Foundation.

“(b) ASSUMPTION OF TRUST OBLIGATIONS.—Any obligations of the Trust relating to the Memorial that have been approved by the Trust before the date on which the property is transferred under subsection (a) shall become the responsibility of the Foundation on the date of the transfer.

“(c) DISSOLUTION OF TRUST.—Not later than 30 days after the transfer under subsection (a) is completed—

“(1) the Trust shall be dissolved; and

“(2) the Trust shall notify the Secretary of the date of dissolution.

“(d) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary, acting through the National Park Service, is authorized to enter into 1 or more cooperative agreements with the Foundation for the National Park Service to provide interpretive services related to the Memorial and such other assistance as may be agreed upon between the Secretary and the Foundation. The costs of the services and other agreed assistance shall be paid by the Secretary.

“(e) GENERAL SERVICES ADMINISTRATION AUTHORITY.—The Administrator of General Services shall provide, on a non-reimbursable basis, services necessary for the facilitation of the transfer of the Memorial to the Foundation.

“(f) LIMITATION.—Nothing in this Act shall prohibit the use of State and local law enforcement for the purposes of security related to the Memorial.”.

(e) REPEAL OF DUTIES AND AUTHORITIES OF TRUST.—

(1) IN GENERAL.—Section 6 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-4) is repealed.

(2) EFFECTIVE DATE.—The repeal under this subsection shall take effect upon the transfer of the Memorial property, rights, authorities, and duties pursuant to the amendments made by subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-5) is amended—

(1) in paragraph (1), by inserting “for an endowment fund subject to paragraph (2)” after “the sum of \$5,000,000”; and

(2) in paragraph (2)—

(A) by striking “Trust or to the Oklahoma City Memorial”; and

(B) by striking “or operation” and inserting “operation, or endowment”.

(g) AUTHORIZATION OF SECRETARY TO REIMBURSE PREVIOUS COSTS PAID BY FOUNDATION OR TRUST.—To the extent that funds

Deadline.  
Notification.

16 USC 450ss-4  
note.

16 USC 450ss-3  
note.

are made available for the Trust, the Secretary of the Interior shall reimburse the Oklahoma City National Memorial Foundation for funds obligated or expended by the Oklahoma City National Memorial Foundation or the Oklahoma City National Memorial Trust to the Secretary of the Interior for interpretive services, security, and other costs and services related to the Oklahoma City National Memorial before the date of the enactment of this Act. The Oklahoma City National Memorial Foundation may use such reimbursed funds for the operation, maintenance, and permanent endowment of the Oklahoma City National Memorial.

(h) **REPEAL OF DISPOSITION OF SITE OF ALFRED P. MURRAH FEDERAL BUILDING.**—Section 8 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-6) is repealed.

(i) **REPEAL OF STUDY REQUIREMENT.**—Section 9 of the Oklahoma City National Memorial Act of 1997 (16 U.S.C. 450ss-7) is repealed.

SEC. 545. Notwithstanding any other provision of law, the unobligated balance of funds made available to the District of Columbia under item 70 in the table contained in section 1106(b)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2047) and the unobligated balance of funds made available to the District of Columbia under item 554 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178, as amended; 112 Stat. 277) shall be made available to carry out a project for the replacement of the existing bridge on Kenilworth Avenue over Nannie Helen Burroughs Avenue and for a ferry and ferry facility project on the Anacostia River.

SEC. 546. Section 345(6), division I, of Public Law 108-7 is amended by adding at the end of the section the following “In implementing section 345(6) the Secretary may also modify the permitted uses of draws on the lines of credit to include any repair and replacement costs.” 117 Stat. 418.

SEC. 547. Notwithstanding any other provision of law, projects and activities described in the statement of managers accompanying this Act under the headings “Federal-Aid Highways” and “Federal Transit Administration” shall be eligible for fiscal year 2004 funds made available for the program for which each project or activity is so designated and projects and activities under the heading “Job Access and Reverse Commute Grants” shall be awarded those grants upon receipt of an application.

## TITLE VI—GENERAL PROVISIONS

### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2004 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as

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- "(2) Minimum amount of appropriations.
- "(3) Use of fees.
- "(4) Compliance.
- "(5) Subsequent authority.
- "(e) Reforms to reduce decision time review periods.
- "(f) Decision time review periods.
  - "(1) In general.
  - "(2) Report.
  - "(3) Applications subject to decision time review periods.
  - "(4) Start of decision time review period.
  - "(5) Extension of decision time review period.
- "(g) Judicial review.
  - "(1) In general.
  - "(2) Scope.
  - "(3) Timing.
  - "(4) Remedies.
- "(h) Accounting.
- "(i) Auditing.
  - "(1) Financial statements of agencies.
  - "(2) Components.
  - "(3) Inspector General.
- "(j) Personnel levels.
- "(k) Reports.
  - "(1) In general.
  - "(2) Contents.
- "(l) Savings clause.
- "(m) Termination of effectiveness.
  - "(1) In general.
  - "(2) Phase out.
- "Sec. 34. Severability.
- "Sec. 35. Authorization for appropriations."

7 USC 136a note.

(h) **EFFECTIVE DATE.**—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.

This division may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004".

Miscellaneous  
Appropriations  
and Offsets Act,  
2004.

## DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS

(INCLUDING RESCISSIONS OF FUNDS)

(INCLUDING TRANSFERS OF FUNDS)

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely: —

SEC. 101. Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking "using" and all that follows through "2013".

SEC. 102. (a) Of the funds appropriated under the heading "Emergency Preparedness and Response, Disaster Relief" in chapter 2 of title I of Public Law 108-106, \$225,000,000 are rescinded.

(b) In addition to amounts appropriated in Public Law 108-108 for "Forest Service, Wildland Fire Management" for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service in southern California, \$25,000,000, to remain available until expended.

(c) In addition to amounts appropriated in Public Law 108-108 for "Forest Service, State and Private Forestry" for hazard mitigation, fuels reduction, and forest health protection and mitigation activities on State and private lands in southern California, \$25,000,000, to remain available until expended.

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SEC. 136. (a) The National Flood Insurance Act of 1968 is amended—

(1) in section 1319 (42 U.S.C. 4026), by striking “December 31, 2003” and inserting “June 30, 2004.”;

(2) in the first sentence of section 1309(a) (42 U.S.C. 4016(a)), by striking “December 31, 2003” and inserting “the date specified in section 1319”;

(3) in section 1336(a) (42 U.S.C. 4056(a)), by striking “December 31, 2003” and inserting “on the date specified in section 1319”; and

(4) in section 1376(c) (42 U.S.C. 4127(c)), by striking “December 31, 2003” and inserting “the date specified in section 1319”.

(b) The amendments made by this section shall be considered to have taken effect on December 31, 2003.

SEC. 137. (a) Section 441(c) of the Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) by striking “and that is not the subject of an action prior to June 20, 2002, alleging a breach of subsections (a) and (b) of section 10601 as in effect on such date.”; and

(2) by striking “such subsections” and inserting “subsections (a) and (b) of section 10601 of title 46, United States Code, as in effect prior to November 25, 2002”.

(b) The amendments made by subsection (a) apply to all proceedings pending on or commenced after the date of enactment of this Act.

SEC. 138. Public Law 108-108 is amended under the heading “Bureau of Indian Affairs, Construction” by striking “25 U.S.C. 2005(a)” and inserting “25 U.S.C. 2005(b)” and by striking “25 U.S.C. 2505(f)” and inserting “25 U.S.C. 2504(f)”.

SEC. 139. CONGAREE NATIONAL PARK BOUNDARY REVISION. (a) IN GENERAL.—Subsection (c) of the first section of Public Law 94-545 (90 Stat. 2517; 102 Stat. 2607) is amended by striking paragraph (6) and inserting the following:

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the park;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the park;

“(C) shall negatively affect the economic development of the areas surrounding the park; or

“(D) affects the classification of the park under section 162 of the Clean Air Act (42 U.S.C. 7472).”.

(b) DESIGNATION OF CONGAREE NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—The wilderness established by section 2(a) of the Congaree Swamp National Monument Expansion and Wilderness Act (102 Stat. 2606) and known as the “Congaree Swamp National Monument Wilderness” shall be known and designated as the “Congaree National Park Wilderness”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness referred to in paragraph (1) shall be deemed to be a reference to the “Congaree National Park Wilderness”.

SEC. 140. Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108),

Effective date.  
46 USC 4016  
note.  
46 USC 10601  
note.

Applicability.  
42 USC 10601  
note.

16 USC 410jjj.

16 USC 1132  
note.

117 Stat. 1268.

is amended by striking “any other governmental land management entity” and inserting “any other land management entity”.

SEC. 141. Effective as of November 18, 2003, section 9 of Public Law 100-692 (102 Stat. 4556; 16 U.S.C. 461 note.) is amended to read as follows:

Effective date.

**“SEC. 9. TERMINATION OF COMMISSION.**

16 USC 461 note.

“The Commission shall terminate on November 18, 2007.”

SEC. 142. Title IV of Public Law 108-108 is amended in section 403(b)(4) by striking “75-5-703(10)(b)” and inserting “75-5-703(10)(c)”.

117 Stat. 1319.

SEC. 143. Public Law 108-108 is amended under the heading “Indian Health Service, Indian Health Services” by striking “(d) \$2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants:” and inserting “(d) \$2,000,000 for RuralCap for alcohol treatment and related transitional housing for homeless chronic inebriates in Anchorage, Alaska.”

117 Stat. 1294.

SEC. 144. Public Law 108-108 is hereby amended by adding at the end of section 344 the following:

117 Stat. 1318.

“(c) EXEMPTIONS.—The requirements of this section shall not apply to amounts in this Act designated as emergency requirements pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

“(d) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading ‘Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians’, the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2004, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.”

Applicability.  
Reports.

SEC. 145. THEODORE ROOSEVELT NATIONAL WILDLIFE REFUGE.  
(a) DEFINITIONS.—In this section:

Mississippi.  
16 USC 668dd  
note.

(1) COUNTY.—The term “county” means each of the counties of Leflore, Holmes, Humphreys, Sharkey, Warren, and Washington in the State.

(2) REFUGE.—The term “Refuge” means the Theodore Roosevelt National Wildlife Refuge established under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—The Secretary shall establish the Theodore Roosevelt National Wildlife Refuge, consisting of approximately 6,600 acres of land that—

(1) as of the date of enactment of this Act, is owned by the United States;

(2) was formerly in the inventory of the United States Department of Agriculture; and

(3) is located in the counties.

(c) MAP.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map depicting the boundaries of the Refuge.

\* \* \* \* \*



(3) at the end of paragraph 386(c)(2) by striking the period and inserting “, except that the total amount of principal that may be guaranteed for a qualified liquefied natural gas project may not exceed a principal amount in which the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), exceeds \$2,000,000,000.”; and

(4) at paragraph 386(g)(4):

(A) by inserting before the term “consisting” the new term “or system”; and

(B) by inserting between the term “plants” and the “)” the phrase “liquefaction plants and liquefied natural gas tankers for transportation of liquefied natural gas from Southcentral Alaska to the West Coast”.

SEC. 147. PAYMENT OF EXPENSES AFTER THE DEATH OF CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA. Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) PAYMENT OF EXPENSES AFTER DEATH OF AN EMPLOYEE.—

“(1) DEFINITION OF IMMEDIATE FAMILY MEMBER.—In this subsection, the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

“(2) PAYMENTS.—If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002; the Secretary may—

“(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected by the surviving head of household of the deceased employee;

“(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.”.

SEC. 148. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS. (a) ESTABLISHMENT.—The sum of \$100,000 is appropriated, to remain available until expended, for the establishment of the Office of Native Hawaiian Relations within the Office of the Secretary of the Interior.

(b) DUTIES.—The Office shall—

(1) effectuate and implement the special legal relationship between the Native Hawaiian people and the United States;

(2) continue the process of reconciliation with the Native Hawaiian people; and

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by assuring timely notification of and prior consultation with the Native Hawaiian people before any Federal agency



takes any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands.

SEC. 149. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION. The first section of the Act of August 9, 1955 (25 U.S.C. 415), is amended by adding at the end the following:

“(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

“(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations (or any successor regulation), subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

“(2) CONDITIONS.—A lease entered into under paragraph (1)—

“(A) shall commence during fiscal year 2011 for an initial term of 25 years;

“(B) may be renewed for an additional term of 25 years; and

“(C) shall specify in the terms of the lease an annual rental rate—

“(i) which rate shall be increased by 3 percent per year on a cumulative basis for each 5-year period; and

“(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations (or any successor regulation).”.

SEC. 150. (a) SHORT TITLE. This Act may be cited as the “Fern Lake Conservation and Recreation Act”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds the following:

(A) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(B) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park's most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(C) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(D) The 4,500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

(2) PURPOSES.—The purposes of the Act are—

(A) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other

Fern Lake  
Conservation and  
Recreation Act.  
Kentucky.  
Tennessee.  
16 USC 268a.

acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(B) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

(c) LAND ACQUISITION AND CONVEYANCE AUTHORITY, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.—

(1) DEFINITIONS.—In this section:

(A) FERN LAKE.—The term “Fern Lake” means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(B) LAND.—The term “land” means land, water, interests in land, and any improvements on the land.

(C) PARK.—The term “park” means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(2) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled “Cumberland Gap National Historical Park, Fern Lake Watershed”, numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(3) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Subject to paragraph (4), the Secretary shall revise the boundaries of the park to include the land acquired under paragraph (2). The Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(4) CONVEYANCE OF FERN LAKE.—

(A) CONVEYANCE REQUIRED.—If the Secretary acquires Fern Lake, the Secretary shall convey, notwithstanding any other law and without consideration, to the city of Middlesboro, Kentucky, all right, title, and interest of the United States in and to Fern Lake, up to the normal operating elevation of 1,200.4 feet above sea level, along with the dam and all appurtenances associated with the withdrawal and delivery of water from Fern Lake.

(B) TERMS OF CONVEYANCE.—In executing the conveyance under subparagraph (4)(A), the Secretary may retain an easement for scenic and recreational purposes.

(C) REVERSIONARY INTEREST.—In the event Fern Lake is no longer used as a source of municipal water supply for the city of Middlesboro, Kentucky, and its environs, ownership of Fern Lake shall revert to the United States and it shall be managed by the Secretary as part of the park.

(5) CONSULTATION REQUIREMENTS.—In order to better manage lands acquired under this section in a manner that will facilitate the provision of water for municipal needs, as well



as the establishment and promotion of new recreational opportunities at the park, the Secretary shall consult with—

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

Congress.  
2 USC 121g.

SEC. 151. (a) The Attending Physician to Congress shall have the authority and responsibility for overseeing and coordinating the use of medical assets in response to a bioterrorism event and other medical contingencies or public health emergencies occurring within the Capitol Buildings or the United States Capitol Grounds. This shall include the authority to enact quarantine and to declare death. These actions will be carried out in close cooperation and communication with the Commissioner of Public Health, Chief Medical Examiner, and other Public Health Officials of the District of Columbia government.

(b) In this section—

(1) the term “Capitol Buildings” has the meaning given such term in section 5101 of title 40, United States Code; and

(2) the term “United States Capitol Grounds” has the meaning given such term in section 5102(a) of title 40, United States Code.

Effective date.  
Applicability.

(c) Subsection (a) shall take effect on the date of the enactment of this Act and shall apply during any fiscal year occurring on or after such date.

2 USC 1820 note.

SEC. 152. (a) Notwithstanding section 907(a) of Public Law 107-206 (116 Stat. 977) or section 1102 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)), the Architect of the Capitol, at any time after the date of the enactment of this Act and subject to the availability of appropriations, may enter into an agreement to acquire by lease any portion of the real property located at 499 South Capitol Street Southwest in the District of Columbia for the use of the United States Capitol Police.

(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be subject to the provisions of the Act entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946.

22 USC 276n.

SEC. 153. THE UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP. (a) ESTABLISHMENT AND MEETINGS.—Not to exceed 12 Senators shall be appointed to meet annually with representatives of the National People’s Congress of the People’s Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the “United States group” of the United States Senate-China Interparliamentary Group.

(b) APPOINTMENT OF MEMBERS.—The President pro tempore of the Senate shall appoint Senators under this section upon the recommendations of the majority and minority leaders of the Senate. The President pro tempore of the Senate shall designate 1 Senator as the Chair of the United States group.

(c) FUNDING.—There is authorized to be appropriated \$100,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is

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by the seventh proviso under the heading “Emergency Response Fund” in Public Law 107-38.

(b) **ACROSS-THE-BOARD RESCISSIONS.**—There is hereby rescinded an amount equal to 0.59 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2004 for any discretionary account in divisions A through H of this Act and in any other fiscal year 2004 appropriation Act (except any fiscal year 2004 supplemental appropriation Act, the Department of Defense Appropriations Act, 2004, or the Military Construction Appropriations Act, 2004);

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2004 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(c) **PROPORTIONATE APPLICATION.**—Any rescission made by subsection (b) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(d) **OMB REPORT.**—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (b).

Deadline.

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

Approved January 23, 2004.

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**LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):**

**HOUSE REPORTS:** Nos. 108-193 (Comm. on Appropriations) and 108-401 (Comm. of Conference).

**SENATE REPORTS:** No. 108-107 accompanying S. 1427 (Comm. on Appropriations).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): July 14, considered and passed House.

Nov. 5, 6, considered and passed Senate, amended.

Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 40 (2004):

Jan. 23, Presidential statement.



Public Law 108-202  
108th Congress

An Act

Feb. 29, 2004  
[H.R. 3850]

To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Surface  
Transportation  
Extension Act of  
2004.  
23 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2004”.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 104 note; 117 Stat. 1110) is amended by inserting “and the Surface Transportation Extension Act of 2004” after “as amended by this Act”.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) ADMINISTRATION OF FUNDS.—Section 2(b)(3) of such Act (117 Stat. 1110) is amended by striking “the amendment made under subsection (d)” and inserting “section 1101(c) of the Transportation Equity Act for the 21st Century”.

(2) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act is amended by striking “\$1,166,666,667” and inserting “\$1,633,333,333”.

(3) EXTENSION OF OFF-SYSTEM BRIDGE SETASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking “February 29” inserting “April 30”.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(c)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1111) is amended by striking “\$13,483,458,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,876,841,666 for the period of October 1, 2003, through April 30, 2004”.

23 USC 104 note.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2003 (117 Stat. 1111) is amended to read as follows:

“(e) LIMITATION ON OBLIGATIONS.—

“(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—Subject to paragraph (2), for the period of October 1, 2003, through April 30, 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading ‘FEDERAL-AID HIGHWAYS’ in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) in accordance with section 110 of such Act; except that

the amount of obligation limitation to be distributed for such period for each program, project, and activity specified in sections 110(a)(1), 110(a)(2), 110(a)(4), 110(a)(5), and 110(g) of such Act shall equal the greater of—

“(A) the funding authorized for such program, project, or activity in this Act and the Surface Transportation Extension Act of 2004 (including any amendments made by this Act and such Act); or

“(B)  $\frac{7}{12}$  of the funding provided for or limitation set on such program, project, or activity in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108-199).

“(2) LIMITATION ON TOTAL AMOUNT OF AUTHORITY DISTRIBUTED.—The total amount of obligation limitation distributed under paragraph (1) for the period of October 1, 2003, through April 30, 2004, shall not exceed \$19,741,750,000; except that this limitation shall not apply to \$372,750,000 in obligations for minimum guarantee for such period.

“(3) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—After April 30, 2004, no funds shall be obligated for any Federal-aid highway program project until the date of enactment of a law reauthorizing the Federal-aid highway program.

“(4) TREATMENT OF OBLIGATIONS.—Any obligation of obligation authority distributed under this subsection shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 2004 for the purposes of the matter under the heading ‘FEDERAL-AID HIGHWAYS’ in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004.”.

### SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

Section 3 of the Surface Transportation Extension Act of 2003 (117 Stat. 1112-1113) is amended by adding at the end the following:

“(e) PROHIBITION OF TRANSFERS.—Notwithstanding any other provision of this section, no funds may be transferred after February 29, 2004, by a State under subsection (a)—

“(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

“(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of paragraphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code.”.

### SEC. 4. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2003 (117 Stat. 1113) is amended by striking “\$187,500,000” and inserting “\$262,500,000”.

### SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA-21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 117 Stat. 1113) is amended—

(i) in the first sentence by striking “\$114,583,333 for the period of October 1, 2003, through February



29, 2004” and inserting “\$160,416,667 for the period of October 1, 2003, through April 30, 2004”; and

(ii) in the second sentence by striking “\$5,416,667” and inserting “\$7,583,333”.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$102,500,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$143,500,000 for the period of October 1, 2003, through April 30, 2004”.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$96,250,000 for the period of October 1, 2003, through April 30, 2004”.

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 117 Stat. 1113) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$11,666,667 for the period of October 1, 2003, through April 30, 2004”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 117 Stat. 1114) is amended by striking “\$58,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$81,666,667 for the period of October 1, 2003, through April 30, 2004”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$15,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$22,166,667 for the period of October 1, 2003, through April 30, 2004”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2003 (117 Stat. 1114) is amended—

(i) in clause (i) by striking “\$4,166,667” and inserting “\$5,833,333”;

(ii) in clause (ii) by striking “\$2,083,333” and inserting “\$2,916,667”; and

(iii) in clause (iii) by striking “\$2,083,333” and inserting “\$2,916,667”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$11,458,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$16,041,666 for the period of October 1, 2003, through April 30, 2004”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$4,583,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$6,416,667 for the period of October 1, 2003, through April 30, 2004”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$2,083,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,916,667 for the period of October 1, 2003, through April 30, 2004”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—Section 1101(a)(15) of such Act (112 Stat. 113; 117 Stat. 1114) is amended by striking “\$45,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$64,166,667 for the period of October 1, 2003, through April 30, 2004”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 117 Stat. 1114) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$291,667 for the period of October 1, 2003, through April 30, 2004”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 117 Stat. 1114) is amended by striking “\$10,416,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$14,583,333 for the period of October 1, 2003, through April 30, 2004”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) by striking subsection (a)(1)(F) and inserting the following:

“(F) \$81,666,666 for the period of October 1, 2003, through April 30, 2004.”;

(B) in subsection (a)(2) by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$1,166,667 for the period of October 1, 2003, through April 30, 2004”; and

(C) in the item relating to fiscal year 2004 in table contained in subsection (c) by striking “\$1,083,333,333” and inserting “\$1,516,666,667”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA-21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$43,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$61,250,000 for the period of October 1, 2003, through April 30, 2004”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 117 Stat. 1115) is amended by striking “\$22,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$32,083,334 for the period of October 1, 2003, through April 30, 2004”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$8,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$12,250,000 for the period of October 1, 2003, through April 30, 2004”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$12,916,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$18,083,333 for the period of October 1, 2003, through April 30, 2004”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 117 Stat. 1115) is amended by striking “\$47,916,667 for the period of October 1, 2003, through February 29, 2004” and



inserting “\$67,083,334 for the period of October 1, 2003, through April 30, 2004”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$51,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$72,333,334 for the period of October 1, 2003, through April 30, 2004”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 117 Stat. 1116) is amended by striking “\$11,250,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$15,750,000 for the period of October 1, 2003, through April 30, 2004”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1116) is amended by striking “\$100,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$140,000,000 for the period of October 1, 2003, through April 30, 2004”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (117 Stat. 1116) is amended by striking “\$15,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$21,233,333 for the period of October 1, 2003, through April 30, 2004”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (117 Stat. 1116) is amended by striking “\$7,833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$10,966,666 for the period of October 1, 2003, through April 30, 2004”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (117 Stat. 1117) is amended by striking “\$208,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$291,667 for the period of October 1, 2003, through April 30, 2004”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$58,333,333”; and

(2) by striking “February 29” and inserting “April 30”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (117 Stat. 1117) is amended—

(1) by striking “\$41,666,667” and inserting “\$58,333,333”; and

(2) by striking “February 29” and inserting “April 30”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (117 Stat. 1117) is amended by striking “\$312,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$437,500 for the period of October 1, 2003, through April 30, 2004”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (117 Stat. 1118) is amended—

(1) by striking “\$2,187,500” and inserting “\$3,062,500”;

(2) by striking “\$104,167” and inserting “\$145,833”; and

(3) by striking “February 29” each place it appears and inserting “April 30”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (117 Stat. 1118) is amended—

(1) in paragraph (1) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting



“\$5,833,333 for the period of October 1, 2003, through April 30, 2004”; and

(2) in paragraph (2) by striking “\$4,166,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$5,833,333 for the period of October 1, 2003, through April 30, 2004”.

(l) **ADMINISTRATION OF FUNDS.**—Section 5(l) of the Surface Transportation Extension Act of 2003 (117 Stat. 1118) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section” the first place it appears; and

(2) by inserting “or the amendment made by section 4(a)(1) of such Act” before the period at the end.

(m) **REDUCTION OF ALLOCATED PROGRAMS.**—Section 5(m) of such Act (117 Stat. 1119) is amended—

(1) by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “but for this section”;

(2) by striking “both”;

(3) by striking “and by this section” and inserting “, by this section, and by section 5 of such Act”; and

(4) by inserting “and by section 5 of such Act” before the period at the end.

(n) **PROGRAM CATEGORY RECONCILIATION.**—Section 5(n) of such Act (117 Stat. 1119) is amended by inserting “and section 5 of the Surface Transportation Extension Act of 2004” after “this section”.

#### **SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

(a) **SEAT BELT SAFETY INCENTIVE GRANTS.**—Section 157(g)(1) of title 23, United States Code, is amended by striking “\$46,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$65,333,333 for the period of October 1, 2003, through April 30, 2004”.

(b) **PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.**—Section 163(e)(1) of such title is amended by striking “\$50,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$70,000,000 for the period of October 1, 2003, through April 30, 2004”.

#### **SEC. 7. SPORT FISHING AND BOATING SAFETY.**

(a) **FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.**—Section 4(c)(6) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)(6)) is amended to read as follows:

“(6) \$5,833,333 for the period of October 1, 2003, through April 30, 2004;”.

(b) **CLEAN VESSEL ACT FUNDING.**—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

“(4) **FIRST 7 MONTHS OF FISCAL YEAR 2004.**—For the period of October 1, 2003, through April 30, 2004, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to \$47,833,333, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

“(A) \$5,833,333 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(B) \$4,666,667 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g-1(d)).

“(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.”.

(c) **BOAT SAFETY FUNDS.**—Section 13106(c) of title 46, United States Code, is amended—

- (1) by striking “\$2,083,333” and inserting “\$2,916,667”; and
- (2) by striking “\$833,333” and inserting “\$1,166,667”.

#### SEC. 8. TECHNICAL AMENDMENTS.

(a) **HIGHWAY SAFETY GRANTS.**—

(1) **IN GENERAL.**—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended by inserting before the period at the end of the matter under the heading “NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, HIGHWAY TRAFFIC SAFETY GRANTS” the following: “: *Provided further*, That not to exceed \$2,600,000 of the funds subject to allocation under section 157 of title 23, United States Code, and not to exceed \$2,600,000 of the funds subject to apportionment under section 163 of that title, shall be available to the National Highway Traffic Safety Administration for administering highway safety grants under those sections”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on January 24, 2004.

(b) **FEDERAL HIGHWAY ADMINISTRATION.**—Section 110(g) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended by adding at the end the following: “Obligation authority shall be available until used and in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.”.

#### SEC. 9. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) **ALLOCATING AMOUNTS.**—Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “February 29, 2004” and inserting “April 30, 2004”;

(B) in subparagraph (A), by inserting “, except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$699,642,775 will be available” after “modernization”;

(C) in subparagraph (B), by inserting “, except for the period beginning on October 1, 2003, and ending on April 30, 2004, during which \$767,657,109 will be available” before the semicolon; and

(D) in subparagraph (C), by inserting “, except for the period beginning on October 1, 2003 and ending on

*Ante*, p. 299.

*Ante*, p. 293.

April 30, 2004, during which \$352,110,220 will be available" after "facilities";

(2) by amending paragraph (2)(B)(iii) to read as follows:

"(iii) OCTOBER 1, 2003 THROUGH APRIL 30, 2004.—

Of the amounts made available under paragraph (1)(B), \$6,066,667 shall be available for the period beginning on October 1, 2003, and ending on April 30, 2004, for capital projects described in clause (i).";

(3) in paragraph (3)(B)—

(A) by striking "\$1,250,000" and inserting "\$1,750,000"; and

(B) by striking "February 29, 2004" and inserting "April 30, 2004"; and

(4) in paragraph (3)(C)—

(A) by striking "\$20,833,334 shall be available" and inserting "\$28,994,583 shall be transferred to and administered under section 5309 for buses and bus facilities"; and

(B) by striking "February 29, 2004" and inserting "April 30, 2004".

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 8(b)(1) of the Surface Transportation Extension Act of 2003 (49 U.S.C. 5337 note) is amended by striking "February 29, 2004" and inserting "April 30, 2004".

(c) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "FEBRUARY 29, 2004" and inserting "APRIL 30, 2004";

(2) in paragraph (2)(A)(vi)—

(A) by striking "\$1,292,948,344" and inserting "\$1,780,963,287"; and

(B) by striking "February 29, 2004" and inserting "April 30, 2004";

(3) in paragraph (2)(B)(vi)—

(A) by striking "\$323,459,169" and inserting "\$445,240,822"; and

(B) by striking "February 29, 2004" and inserting "April 30, 2004"; and

(4) in paragraph (2)(C) by striking "February 29, 2004" and inserting "April 30, 2004".

(d) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2003 (117 Stat. 1122) is amended to read as follows:

"(d) ALLOCATION OF FORMULA GRANT FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

"(1) \$ 2,812,446 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

"(2) \$28,994,583 shall be available for bus and bus facilities grants under section 5309 of such title;

"(3) \$52,568,804 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;



“(4) \$139,526,367 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

“(5) \$4,030,247 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

“(6) \$1,998,271,661 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.”.

(e) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$1,022,503,342” and inserting “\$1,819,410,104”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$255,801,669” and inserting “\$363,882,021”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(f) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$24,636,667” and inserting “\$33,981,652”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$6,100,000” and inserting “\$8,350,440”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(g) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$16,536,667” and inserting “\$24,471,428”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in subparagraph (B)(vi)—

(A) by striking “\$4,095,000” and inserting “\$6,262,830”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in subparagraph (C) by striking “February 29, 2004” and inserting “April 30, 2004”.

(h) RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

“(h) ALLOCATION OF RESEARCH FUNDS FOR OCTOBER 1, 2003, THROUGH APRIL 30, 2004.—Of the funds made available by or

appropriated under section 5338(d)(2) of title 49, United States Code, for the period of October 1, 2003, through April 30, 2004—

“(1) not less than \$3,044,431 shall be available for providing rural transportation assistance under section 5311(b)(2) of such title;

“(2) not less than \$4,784,106 shall be available for carrying out transit cooperative research programs under section 5313(a) of such title;

“(3) not less than \$4,784,106 shall be available to carry out programs under the National Transit Institute under section 5315 of such title, including not more than \$579,892 to carry out section 5315(a)(16) of such title; and

“(4) any amounts not made available under paragraphs (1) through (3) shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322 of such title.”

(i) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)—

(A) by striking “\$2,020,833” and inserting “\$2,783,480”;

and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in subparagraph (B)—

(A) by striking “\$505,833” and inserting “\$695,870”;

and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(4) in subparagraph (C) by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(j) UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2003 is amended to read as follows:

“(j) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

“(1) IN GENERAL.—Of the amounts made available under section 5338(e)(2)(A) of title 49, United States Code, for the period October 1, 2003, through April 30, 2004—

“(A) \$994,100 shall be available for the center identified in section 5505(j)(4)(A) of such title; and

“(B) \$994,100 shall be available for the center identified in section 5505(j)(4)(F) of such title.

“(2) TRAINING AND CURRICULUM DEVELOPMENT.—Notwithstanding section 5338(e)(2) of title 49, United States Code, any amounts made available under such section for the period October 1, 2003, through April 30, 2004, that remain after distribution under paragraph (1), shall be available for the purposes specified in section 3015(d) of the Transportation Equity Act for the 21st Century (112 Stat. 857).”

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (112 Stat. 857) is amended by striking “February 29, 2004” and inserting “April 30, 2004”.

(k) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

117 Stat 1124.

49 USC 5338  
note.

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”;

(2) in subparagraph (A)(vi)—

(A) by striking “\$24,585,834” and inserting “\$35,025,457”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(3) in subparagraph (B)(vi)—

(A) by striking “\$6,150,833” and inserting “\$8,756,364”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(l) **JOB ACCESS AND REVERSE COMMUTE PROGRAM.**—Section 3037(l) of the Federal Transit Act of 1998 (49 U.S.C. 5309 note) is amended—

(1) in paragraph (1)(A)(vi)—

(A) by striking “\$50,519,167” and inserting “\$57,989,167”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(2) in paragraph (1)(B)(vi)—

(A) by striking “\$12,638,833” and inserting “\$14,497,292”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”;

(3) in paragraph (2) by striking “February 29, 2004, \$4,166,667” and inserting “April 30, 2004, \$5,798,917”; and

(4) by adding at the end the following:

“(4) **TRANSFER IN FISCAL YEAR 2004.**—Of the funds made available or appropriated under paragraph (1) for fiscal year 2004, prior to the allocation under paragraph (3), \$11,597,833 shall be administered under the provisions of section 5309 of title 49, United States Code.”.

(m) **RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.**—Section 3038(g) of the Federal Transit Act of 1998 (49 U.S.C. 5310 note) is amended—

(1) in paragraph (1)(F)—

(A) by striking “\$2,187,500” and inserting “\$3,044,431”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(2) in paragraph (2)—

(A) by striking “\$708,333” and inserting “\$985,816”; and

(B) by striking “February 29, 2004” and inserting “April 30, 2004”.

(n) **URBANIZED AREA FORMULA GRANTS.**—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking “FEBRUARY 29, 2004” and inserting “APRIL 30, 2004”; and

(2) in subparagraph (A) by striking “February 29, 2004” and inserting “April 30, 2004”;

(o) **OBLIGATION CEILING.**—Section 3040(6) of the Federal Transit Act of 1998 (112 Stat. 394) is amended—

(1) by striking “\$3,042,501,691” and inserting “\$4,238,428,192”; and



(2) by striking “February 29, 2004” and inserting “April 30, 2004”.

(p) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Federal Transit Act of 1998 (112 Stat. 361) is amended—

(1) by striking “February 29, 2004” and inserting “April 30, 2004”; and

(2) by striking “\$2,020,833” and inserting “\$2,812,475”.

(q) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Federal Transit Act of 1998 (49 U.S.C. 322 note) is amended—

23 USC 322 note.

(1) by striking “February 29, 2004,” and inserting “April 30, 2004”; and

(2) by striking “\$2,083,333” and inserting “\$2,812,475”.

(r) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373) is amended by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(s) NEW JERSEY URBAN CORE PROJECT.—Section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 112 Stat. 379) is amended by striking “February 29, 2004” each place it appears and inserting “April 30, 2004”.

(t) TREATMENT OF FUNDS.—Section 8(t) of the Surface Transportation Extension Act of 2003 (23 U.S.C. 101 note) is amended—

(1) by striking “Amounts” and inserting the following:

“(1) IN GENERAL.—Amounts”;

(2) by inserting “and by section 9 of the Surface Transportation Extension Act of 2004” after “this section”; and

(3) by adding at the end the following:

“(2) TRANSFERS.—Funds authorized by or made available under this section shall be transferred in accordance with the Consolidated Appropriations Act, 2004, except that only  $\frac{7}{12}$  of the total amount to be transferred shall be available.”.

(u) LOCAL SHARE.—Section 3011(a) of the Federal Transit Act of 1998 (49 U.S.C. 5307 note) is amended by inserting “and for the period of October 1, 2003 through April 30, 2004,” after “2003,”.

#### SEC. 10. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 117 Stat. 1119) is amended by striking “, and \$68,750,000 for the period of October 1, 2003, through February 29, 2004” and inserting “, and \$96,250,000 for the period of October 1, 2003, through April 30, 2004”.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 117 Stat. 1119) is amended by striking “\$30,000,000 for the period of October 1, 2003, through February 29, 2004” and inserting “\$42,000,000 for the period of October 1, 2003, through April 30, 2004”.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 117 Stat. 1120) is amended by striking “\$8,333,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$11,666,700 for the period of October 1, 2003, through April 30, 2004”.

(d) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 117 Stat.

1120) is amended by striking “\$16,666,667 for the period of October 1, 2003, through February 29, 2004” and inserting “\$23,333,300 for the period of October 1, 2003, through April 30, 2004”.

(e) NATIONAL DRIVER REGISTER.—Section 2009(a)(6) of such Act (112 Stat. 338; 117 Stat. 1120) is amended by striking “\$833,333 for the period of October 1, 2003, through February 29, 2004” and inserting “\$2,100,000 for the period of October 1, 2003, through April 30, 2004”.

#### SEC. 11. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2003 (117 Stat. 1120) is amended by striking “\$71,487,500 for the period of October 1, 2003, through February 29, 2004” and inserting “\$102,467,000 for the period October 1, 2003 through April 30, 2004”.

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(7) of title 49, United States Code, is amended to read as follows:

“(7) Not more than \$98,352,000 for the period of October 1, 2003, through April 30, 2004.”.

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a)(5) of such title is amended to read as follows:

“(5) \$11,639,000 for the period of October 1, 2003, through April 30, 2004.”.

(2) EMERGENCY CDL GRANTS.—Section 7(c) of the Surface Transportation Extension Act of 2003 (117 Stat. 1121) is amended—

(A) by striking “February 29,” and inserting “April 30,”; and

(B) by striking “\$416,667” and inserting “\$582,000”.

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act is amended—

(1) by striking “\$416,667” and inserting “\$582,000”; and

(2) by striking “February 29” and inserting “April 30”.

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Title I of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199) is amended—

(A) by striking “Fund and to” in the matter appearing under the heading “FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, MOTOR CARRIER SAFETY, LIMITATION ON ADMINISTRATIVE EXPENSES” and inserting “Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall”; and

(B) by inserting before the period at the end of the matter appearing under the heading “FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, NATIONAL MOTOR CARRIER SAFETY PROGRAM” the following: “: *Provided further*, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764-1765), the Federal share payable under such grants shall be 100 percent”.

*Ante*, p. 298.

*Ante*, p. 298.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 24, 2004.

**SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.**

**(a) HIGHWAY TRUST FUND.—**

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

26 USC 9503.

(A) in the matter before subparagraph (A), by striking “March 1, 2004” and inserting “May 1, 2004”,

(B) by striking “or” at the end of subparagraph (E),

(C) by striking the period at the end of subparagraph (F) and inserting “, or”,

(D) by inserting after subparagraph (F), the following new subparagraph:

“(G) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2004.”, and

(E) in the matter after subparagraph (G), as added by this paragraph, by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking “March 1, 2004” and inserting “May 1, 2004”,

(B) in subparagraph (C), by striking “or” at the end of such subparagraph,

(C) in subparagraph (D), by inserting “or” at the end of such subparagraph,

(D) by inserting after subparagraph (D) the following new subparagraph:

“(E) the Surface Transportation Extension Act of 2004.”, and

(E) in the matter after subparagraph (E), as added by this paragraph, by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(5) of such Code is amended by striking “March 1, 2004” and inserting “May 1, 2004”.

**(b) AQUATIC RESOURCES TRUST FUND.—**

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking “Surface Transportation Extension Act of 2003” each place it appears and inserting “Surface Transportation Extension Act of 2004”.

26 USC 9504.

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking “March 1, 2004” and inserting “May 1, 2004”, and

(B) by striking “Surface Transportation Extension Act of 2003” and inserting “Surface Transportation Extension Act of 2004”.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking “March 1, 2004” and inserting “May 1, 2004”.



26 USC 9503  
note.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) **TEMPORARY RULE REGARDING ADJUSTMENTS.**—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on April 30, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

Approved February 29, 2004.

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**LEGISLATIVE HISTORY—H.R. 3850:**

CONGRESSIONAL RECORD, Vol. 150 (2004):

Feb. 26, considered and passed House.

Feb. 27, considered and passed Senate.

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Public Law 108-209  
108th Congress

An Act

Mar. 19, 2004  
[H.R. 2059]

To designate Fort Bayard Historic District in the State of New Mexico as a National Historic Landmark, and for other purposes.

Fort Bayard  
National Historic  
Landmark Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FORT BAYARD NATIONAL HISTORIC LANDMARK ACT.**

(a) **SHORT TITLE.**—This Act may be cited as the “Fort Bayard National Historic Landmark Act”.

(b) **DESIGNATION.**—The Fort Bayard Historic District in Grant County, New Mexico, as listed on the National Register of Historic Places, is hereby designated as the Fort Bayard National Historic Landmark.

(c) **ADMINISTRATION.**—Nothing in this section shall affect the administration of the Fort Bayard Historic District by the State of New Mexico.

(d) **COOPERATIVE AGREEMENTS.**—The Secretary, in consultation with the State of New Mexico, Grant County, New Mexico, and affected subdivisions of Grant County, may enter into cooperative agreements with appropriate public or private entities, for the purposes of protecting historic resources at Fort Bayard and providing educational and interpretive facilities and programs for the public. The Secretary shall not enter into any agreement or provide assistance to any activity affecting Fort Bayard State Hospital without the concurrence of the State of New Mexico.

(e) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide technical and financial assistance with any entity with which the Secretary has entered into a cooperative agreement under subsection (d).

(f) **NO EFFECT ON ACTIONS OF PROPERTY OWNERS.**—Designation of the Fort Bayard Historic District as a National Historic Landmark shall not prohibit any actions which may otherwise be taken by any property owners, including the owners of the Fort Bayard National Historic Landmark, with respect to their property.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved March 19, 2004.

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**LEGISLATIVE HISTORY—H.R. 2059 (S. 214):**

**HOUSE REPORTS:** No. 108-257 (Comm. on Resources).

**SENATE REPORTS:** No. 108-8 accompanying S. 214 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Sept. 23, considered and passed House.

Vol. 150 (2004): Mar. 4, considered and passed Senate.





Public Law 108-229  
108th Congress

An Act

To provide for expansion of Sleeping Bear Dunes National Lakeshore.

May 28, 2004

[H.R. 408]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Michigan.  
16 USC 460x-7  
note.

**SECTION 1. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKE-SHORE.**

(a) **IN GENERAL.**—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) **LAND DESCRIBED.**—The land referred to in subsection (a) consists of approximately 104.45 acres of unimproved lands generally depicted on National Park Service map number 634/80078, entitled “Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore”. The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **PURCHASE OF LANDS AUTHORIZED.**—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

**SEC. 2. LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.**

The Secretary of the Interior may not acquire any of the land described in subsection (b) of section 1 through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

Approved May 28, 2004.

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**LEGISLATIVE HISTORY—H.R. 408:**

HOUSE REPORTS: No. 108-292 (Comm. on Resources).

SENATE REPORTS: No. 108-240 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 8, considered and passed House.

Vol. 150 (2004): May 19, considered and passed Senate.



Public Law 108-277  
108th Congress

An Act

To amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

July 22, 2004  
[H.R. 218]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Law Enforcement Officers Safety Act of 2004”.

Law Enforcement  
Officers Safety  
Act of 2004.  
18 USC 921 note.

SEC. 2. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

“§ 926B. Carrying of concealed firearms by qualified law enforcement officers

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified law enforcement officer’ means an employee of a governmental agency who—

“(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

“(2) is authorized by the agency to carry a firearm;

“(3) is not the subject of any disciplinary action by the agency;

“(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;

“(5) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(6) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) any destructive device (as defined in section 921 of this title).”.

(b) **CLERICAL AMENDMENT.**—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

“926B. Carrying of concealed firearms by qualified law enforcement officers.”.

**SEC. 3. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.**

(a) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

**“§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers**

“(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

“(b) This section shall not be construed to supersede or limit the laws of any State that—

“(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

“(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

“(c) As used in this section, the term ‘qualified retired law enforcement officer’ means an individual who—

“(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

“(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

“(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

“(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

“(4) has a nonforfeitable right to benefits under the retirement plan of the agency;



“(5) during the most recent 12-month period, has met, at the expense of the individual, the State’s standards for training and qualification for active law enforcement officers to carry firearms;

“(6) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

“(7) is not prohibited by Federal law from receiving a firearm.

“(d) The identification required by this subsection is—

“(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or

“(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; and

“(B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.

“(e) As used in this section, the term ‘firearm’ does not include—

“(1) any machinegun (as defined in section 5845 of the National Firearms Act);

“(2) any firearm silencer (as defined in section 921 of this title); and

“(3) a destructive device (as defined in section 921 of this title).”

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

“926C. Carrying of concealed firearms by qualified retired law enforcement officers.”

Approved July 22, 2004.

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**LEGISLATIVE HISTORY—H.R. 218 (S. 253):**

HOUSE REPORTS: No. 108-560 (Comm. on the Judiciary).

SENATE REPORTS: No. 108-29 accompanying S. 253 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 23, considered and passed House.

July 7, considered and passed Senate.



Public Law 108-289  
108th Congress

An Act

To provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

Aug. 6, 2004

[H.R. 1914]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Jamestown 400th Anniversary Commemorative Coin Act of 2004”.

Jamestown 400th  
Anniversary  
Commemorative  
Coin Act of 2004.  
31 USC 5112  
note.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The founding of the colony at Jamestown, Virginia, in 1607, the first permanent English colony in America, and the capital of Virginia for 92 years, has major significance in the history of the United States.

(2) The Jamestown Settlement brought people from throughout the Atlantic Basin together to form a society that drew upon the strengths and characteristics of English, European, African, and Native American cultures.

(3) The economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, manufacturing, and economic structure and status.

(4) The National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown.

(5) In 2000, Congress established the Jamestown 400th Commemoration Commission to ensure a suitable national observance of the Jamestown 2007 anniversary and to support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances.

(6) A commemorative coin will bring national and international attention to the lasting legacy of Jamestown, Virginia.

(7) The proceeds from a surcharge on the sale of such commemorative coin will assist the financing of a suitable national observance in 2007 of the 400th anniversary of the founding of Jamestown, Virginia.

**SEC. 2. COIN SPECIFICATIONS.**

(a) **DENOMINATIONS.**—The Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) **\$5 GOLD COINS.**—Not more than 100,000 5 dollar coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) **\$1 SILVER COINS.**—Not more than 500,000 1 dollar coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 3. SOURCES OF BULLION.**

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

**SEC. 4. DESIGN OF COINS.**

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the settlement of Jamestown, Virginia, the first permanent English settlement in America.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year “2007”; and

(C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Jamestown 2007 Steering Committee, created by the Jamestown-Yorktown Foundation of the Commonwealth of Virginia;

(B) the National Park Service; and

(C) the Commission of Fine Arts; and

(2) reviewed by the citizens advisory committee established under section 5135 of title 31, United States Code.

**SEC. 5. ISSUANCE OF COINS.**

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2007, and ending on December 31, 2007.



**SEC. 6. SALE OF COINS.**

(a) **SALE PRICE.**—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) **SURCHARGE REQUIRED.**—All sales shall include a surcharge of \$35 per coin for the \$5 coins and \$10 per coin for the \$1 coins.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) **PROGRAMS TO PROMOTE UNDERSTANDING OF THE LEGACIES OF JAMESTOWN.**— $\frac{1}{2}$  of the surcharges shall be used to support programs to promote the understanding of the legacies of Jamestown and for such purpose shall be paid to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(2) **OTHER PURPOSES FOR SURCHARGES.**—

(A) **IN GENERAL.**— $\frac{1}{2}$  of the surcharges shall be used for the following purposes:

(i) To sustain the ongoing mission of preserving Jamestown.

(ii) To enhance national and international educational programs relating to Jamestown, Virginia.

(iii) To improve infrastructure and archaeological research activities relating to Jamestown, Virginia.

(iv) To conduct other programs to support the commemoration of the 400th anniversary of the settlement of Jamestown, Virginia.

(B) **RECIPIENTS OF SURCHARGES FOR SUCH OTHER PURPOSES.**—The surcharges referred to in subparagraph (A) shall be distributed by the Secretary in equal shares to the following organizations for the purposes described in such subparagraph:

(i) The Secretary of the Interior.

(ii) The Association for the Preservation of Virginia Antiquities.

(iii) The Jamestown-Yorktown Foundation of the Commonwealth of Virginia.

(c) **AUDITS.**—The Jamestown-Yorktown Foundation of the Commonwealth of Virginia, the Secretary of the Interior, and the Association for the Preservation of Virginia Antiquities shall each be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of

any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Approved August 6, 2004.

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**LEGISLATIVE HISTORY—H.R. 1914:**

**HOUSE REPORTS:** No. 108-472, Pt. 1 (Comm. on Financial Services) and Pt. 2 (Comm. on Ways and Means).

**CONGRESSIONAL RECORD,**

Vol. 150 (2004):

July 14, considered and passed House.

July 20, considered and passed Senate.

○

Public Law 108-293  
108th Congress

An Act

Aug. 9, 2004  
[H.R. 2443]

Coast Guard and  
Maritime  
Transportation  
Act of 2004.  
14 USC 1 note.

An Act to authorize appropriations for the Coast Guard for fiscal year 2005, to amend various laws administered by the Coast Guard, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be referred to as the “Coast Guard and Maritime Transportation Act of 2004”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—AUTHORIZATION

- Sec. 101. Authorization of appropriations.
- Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD MANAGEMENT

- Sec. 201. Long-term leases.
- Sec. 202. Nonappropriated fund instrumentalities.
- Sec. 203. Term of enlistments.
- Sec. 204. Enlisted member critical skill training bonus.
- Sec. 205. Indemnity for disabling vessels liable to seizure or examination.
- Sec. 206. Administrative, collection, and enforcement costs for certain fees and charges.
- Sec. 207. Expansion of Coast Guard housing authorities.
- Sec. 208. Requirement for constructive credit.
- Sec. 209. Maximum ages for retention in an active status.
- Sec. 210. Travel card management.
- Sec. 211. Coast Guard fellows and detailees.
- Sec. 212. Long-term lease of special use real property.
- Sec. 213. National Coast Guard Museum.
- Sec. 214. Limitation on number of commissioned officers.
- Sec. 215. Redistricting notification requirement.
- Sec. 216. Report on shock mitigation standards.
- Sec. 217. Recommendations to Congress by Commandant of the Coast Guard.
- Sec. 218. Coast Guard education loan repayment program.
- Sec. 219. Contingent expenses.
- Sec. 220. Reserve admirals.
- Sec. 221. Confidential investigative expenses.
- Sec. 222. Innovative construction alternatives.
- Sec. 223. Delegation of port security authority.
- Sec. 224. Fisheries enforcement plans and reporting.
- Sec. 225. Use of Coast Guard and military child development centers.
- Sec. 226. Treatment of property owned by auxiliary units and dedicated solely for auxiliary use.

TITLE III—NAVIGATION

- Sec. 301. Marking of underwater wrecks.
- Sec. 302. Use of electronic devices; cooperative agreements.



- Sec. 303. Inland navigation rules promulgation authority.
- Sec. 304. Saint Lawrence Seaway.

## TITLE IV—SHIPPING

- Sec. 401. Reports from charterers.
- Sec. 402. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.
- Sec. 403. Records of merchant mariners' documents.
- Sec. 404. Exemption of unmanned barges from certain citizenship requirements.
- Sec. 405. Compliance with International Safety Management Code.
- Sec. 406. Penalties.
- Sec. 407. Revision of temporary suspension criteria in document suspension and revocation cases.
- Sec. 408. Revision of bases for document suspension and revocation cases.
- Sec. 409. Hours of service on towing vessels.
- Sec. 410. Electronic charts.
- Sec. 411. Prevention of departure.
- Sec. 412. Service of foreign nationals for maritime educational purposes.
- Sec. 413. Classification societies.
- Sec. 414. Drug testing reporting.
- Sec. 415. Inspection of towing vessels.
- Sec. 416. Potable water.
- Sec. 417. Transportation of platform jackets.
- Sec. 418. Renewal of advisory groups.

## TITLE V—FEDERAL MARITIME COMMISSION

- Sec. 501. Authorization of appropriations for Federal Maritime Commission.
- Sec. 502. Report on ocean shipping information gathering efforts.

## TITLE VI—MISCELLANEOUS

- Sec. 601. Increase in civil penalties for violations of certain bridge statutes.
- Sec. 602. Conveyance of decommissioned Coast Guard cutters.
- Sec. 603. Tonnage measurement.
- Sec. 604. Operation of vessel STAD AMSTERDAM.
- Sec. 605. Great Lakes National Maritime Enhancement Institute.
- Sec. 606. Koss Cove.
- Sec. 607. Miscellaneous certificates of documentation.
- Sec. 608. Requirements for coastwise endorsement.
- Sec. 609. Correction of references to National Driver Register.
- Sec. 610. Wateree River.
- Sec. 611. Merchant mariners' documents pilot program.
- Sec. 612. Conveyance.
- Sec. 613. Bridge administration.
- Sec. 614. Sense of Congress regarding carbon monoxide and watercraft.
- Sec. 615. Mitigation of penalty due to avoidance of a certain condition.
- Sec. 616. Certain vessels to be tour vessels.
- Sec. 617. Sense of Congress regarding timely review and adjustment of Great Lakes pilotage rates.
- Sec. 618. Westlake chemical barge documentation.
- Sec. 619. Correction to definition.
- Sec. 620. LORAN-C.
- Sec. 621. Deepwater report.
- Sec. 622. Judicial review of National Transportation Safety Board final orders.
- Sec. 623. Interim authority for dry bulk cargo residue disposal.
- Sec. 624. Small passenger vessel report.
- Sec. 625. Conveyance of motor lifeboat.
- Sec. 626. Study on routing measures.
- Sec. 627. Conveyance of light stations.
- Sec. 628. Waiver.
- Sec. 629. Approval of modular accommodation units for living quarters.

## TITLE VII—AMENDMENTS RELATING TO OIL POLLUTION ACT OF 1990

- Sec. 701. Vessel response plans for nontank vessels over 400 gross tons.
- Sec. 702. Requirements for tank level and pressure monitoring devices.
- Sec. 703. Liability and cost recovery.
- Sec. 704. Oil Spill Recovery Institute.
- Sec. 705. Alternatives.
- Sec. 706. Authority to settle.
- Sec. 707. Report on implementation of the Oil Pollution Act of 1990.
- Sec. 708. Loans for fishermen and aquaculture producers impacted by oil spills.

## TITLE VIII—MARITIME TRANSPORTATION SECURITY

- Sec. 801. Enforcement.

- Sec. 802. In rem liability for civil penalties and costs.
- Sec. 803. Maritime information.
- Sec. 804. Maritime transportation security grants.
- Sec. 805. Security assessment of waters under the jurisdiction of the United States.
- Sec. 806. Membership of Area Maritime Security Advisory Committees.
- Sec. 807. Joint operational centers for port security.
- Sec. 808. Investigations.
- Sec. 809. Vessel and intermodal security reports.

## TITLE I—AUTHORIZATION

### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2005 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$5,404,300,000, of which \$25,000,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,500,000,000, of which—

(A) \$23,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$1,100,000,000 is authorized for acquisition and construction of shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and other activities that constitute the Integrated Deepwater System; and

(C) \$161,000,000 shall be available for Rescue 21.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$24,200,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,085,460,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$19,650,000, of which—

(A) \$17,150,000, to remain available until expended; and

(B) \$2,500,000, to remain available until expended, which may be utilized for construction of a new Chelsea

Massachusetts.

\* \* \* \* \*

efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

## TITLE VI—MISCELLANEOUS

### SEC. 601. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.

(a) **GENERAL BRIDGE ACT OF 1906.**—Section 5(b) of Act of March 23, 1906 (chapter 1130; 33 U.S.C. 495), popularly known as the General Bridge Act, is amended by striking “\$1,000” and inserting “\$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter”.

(b) **DRAWBRIDGES.**—Section 5(c) of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved August 18, 1894 (33 U.S.C. 499(c)), is amended by striking “\$1,000” and inserting “\$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter”.

(c) **ALTERATION, REMOVAL, OR REPAIR OF BRIDGES.**—Section 18(c) of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes”, approved March 3, 1899 (33 U.S.C. 502(c)) is amended by striking “\$1,000” and inserting “\$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter”.

(d) **GENERAL BRIDGE ACT OF 1946.**—Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533(b)) is amended by striking “\$1,000” and inserting “\$5,000 for a violation occurring in 2004; \$10,000 for a violation occurring in 2005; \$15,000 for a violation occurring in 2006; \$20,000 for a violation occurring in 2007; and \$25,000 for a violation occurring in 2008 and any year thereafter”.

### SEC. 602. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTERS.

(a) **IN GENERAL.**—The Commandant of the Coast Guard may convey all right, title, and interest of the United States in and to a vessel described in subsection (b) to the person designated in subsection (b) with respect to the vessel (in this section referred to as the “recipient”), without consideration, if the person complies with the conditions under subsection (c).

(b) **VESSELS DESCRIBED.**—The vessels referred to in subsection (a) are the following:

(1) The Coast Guard Cutter **BRAMBLE**, to be conveyed to the Port Huron Museum of Arts and History (a nonprofit corporation under the laws of the State of Michigan), located in Port Huron, Michigan.

\* \* \* \* \*



12106(f)(3)(A)(iii) of title 46, United States Code, for a vessel if the person that owns the vessel (or, if the vessel is owned by a trust or similar arrangement, the beneficiary of the trust or similar arrangement) notifies the Secretary that circumstances beyond the direct control of such person or its affiliates prevent, or reasonably threaten to prevent, such person from satisfying such requirement, and the Secretary does not, with good cause, determine otherwise. The waiver or reduction shall apply during the period of time that such circumstances exist.

Applicability.  
Deadline.  
46 USC 12106  
note.

(e) REGULATIONS.—No later than one year after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe final regulations to carry out this section, including amendments made by this section to section 12106 of title 46, United States Code.

#### SEC. 609. CORRECTION OF REFERENCES TO NATIONAL DRIVER REGISTER.

Title 46, United States Code, is amended—

(1) in section 7302—

(A) by striking “section 206(b)(7) of the National Driver Register Act of 1982 (23 U.S.C. 401 note)” and inserting “30305(b)(5) of title 49”; and

(B) by striking “section 205(a)(3)(A) or (B) of that Act” and inserting “30304(a)(3)(A) or (B) of title 49”;

(2) in section 7702(d)(1)(B)(iii) by striking “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982” and inserting “section 30304(a)(3)(A) or (B) of title 49”; and

(3) in section 7703(3) by striking “section 205(a)(3)(A) or (B) of the National Driver Register Act of 1982” and inserting “section 30304(a)(3)(A) or (B) of title 49”.

33 USC 59kk.

#### SEC. 610. WATEREE RIVER.

For purposes of bridge administration, the portion of the Wateree River in the State of South Carolina, from a point 100 feet upstream of the railroad bridge located at approximately mile marker 10.0 to a point 100 feet downstream of such bridge, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

46 USC 7302  
note.

#### SEC. 611. MERCHANT MARINERS' DOCUMENTS PILOT PROGRAM.

The Secretary of the department in which the Coast Guard is operating may conduct a pilot program to demonstrate methods to improve processes and procedures for issuing merchant mariners' documents.

#### SEC. 612. CONVEYANCE.

Alaska.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the department in which the Coast Guard is operating shall convey, by an appropriate means of conveyance, all right, title, and interest of the United States in and to Sentinel Island, Alaska, to the entity to which the Sentinel Island Light Station is conveyed under section 308(b) of the National Historic Preservation Act (16 U.S.C. 470w-7(b)).

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed under this subsection.

(3) LIMITATION.—The Secretary may not under this section convey—

(A) any historical artifact, including any lens or lantern, located on property conveyed under this section at or before the time of the conveyance; or

(B) any interest in submerged land.

(b) GENERAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—Any conveyance of property under this section shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions required by this section and other terms and conditions the Secretary may consider appropriate, including the reservation of easements and other rights on behalf of the United States.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established under this section, any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Secretary shall revert to the United States and be placed under the administrative control of the Secretary, if—

(A) the property, or any part of the property—

(i) ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation, or other similar purposes specified for the property in the terms of conveyance;

(ii) ceases to be maintained in a manner that is consistent with its present or future use as a site for Coast Guard aids to navigation or compliance with this section; or

(iii) ceases to be maintained in a manner consistent with the conditions in paragraph (4) established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.); or

(B) at least 30 days before that reversion, the Secretary provides written notice to the owner that the property is needed for national security purposes.

Deadline.  
Notification.

(3) MAINTENANCE OF NAVIGATION FUNCTIONS.—Any conveyance of property under this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed that are active aids to navigation shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the owner of the property may not interfere or allow interference in any manner with aids to navigation without express written permission from the Commandant of the Coast Guard;

(C) there is reserved to the United States the right to relocate, replace, or add any aids to navigation or make any changes to the property conveyed as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of operating, maintaining, and inspecting aids to navigation

and for the purpose of enforcing compliance with this subsection; and

(E) the United States shall have an easement of access to and across the property for the purpose of maintaining the aids to navigation in use on the property.

**(4) MAINTENANCE OF PROPERTY.—**

(A) **IN GENERAL.**—Subject to subparagraph (B), the owner of a property conveyed under this section shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Secretary pursuant to the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(B) **LIMITATION.**—The owner of a property conveyed under this section is not required to maintain any active aids to navigation on the property, except private aids to navigation authorized under section 83 of title 14, United States Code.

(c) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **AIDS TO NAVIGATION.**—The term “aids to navigation” means equipment used for navigation purposes, including a light, antenna, radio, sound signal, electronic navigation equipment, or other associated equipment that are operated or maintained by the United States.

(2) **OWNER.**—The term “owner” means, for property conveyed under this section, the person to which property is conveyed under subsection (a)(1), and any successor or assign of that person.

**SEC. 613. BRIDGE ADMINISTRATION.**

Section 325(b) of the Department of Transportation and Related Agencies Appropriations Act, 1983 (Pub. L. 97-369; 96 Stat. 1765) is amended by striking “provides at least thirty feet of vertical clearance Columbia River datum and at least eighty feet of horizontal clearance, as” and inserting “is so”.

**SEC. 614. SENSE OF CONGRESS REGARDING CARBON MONOXIDE AND WATERCRAFT.**

It is the sense of the Congress that the Coast Guard should continue—

(1) to place a high priority on addressing the safety risks posed to boaters by elevated levels of carbon monoxide that are unique to watercraft; and

(2) to work with vessel and engine manufacturers, the American Boat & Yacht Council, other Federal agencies, and the entire boating community in order to determine the best ways to adequately address this public safety issue and minimize the number of tragic carbon monoxide-related boating deaths that occur each year.

**SEC. 615. MITIGATION OF PENALTY DUE TO AVOIDANCE OF A CERTAIN CONDITION.**

(a) **TREATMENT OF VIOLATION.**—For purposes of any administrative proceeding to consider mitigation of any civil penalty for a violation described in subsection (b), such violation is deemed to have been committed by reason of a safety concern.



(b) **VIOLATION DESCRIBED.**—A violation referred to in subsection (a) is any violation of the Act of June 19, 1886 (chapter 421; 46 App. U.S.C. 289), occurring before April 1, 2003, and consisting of operation of a passenger vessel in transporting passengers between the Port of New Orleans and another port on the Gulf of Mexico at a time when the master of the vessel determined that the vertical clearance on the Mississippi River at Chalmette, Louisiana, was insufficient to allow the safe return transport of passengers on that vessel to the Port of New Orleans.

(c) **RELATED PENALTY AMOUNT.**—Any civil penalty assessed for a violation of that Act by a vessel described in subsection (b), that was committed when that vessel was repositioning to the Port of New Orleans in July 2003, shall be mitigated to an amount not to exceed \$100 per passenger.

**SEC. 616. CERTAIN VESSELS TO BE TOUR VESSELS.**

(a) **VESSELS DEEMED TOUR VESSELS.**—Notwithstanding any other law, a passenger vessel that is not less than 100 gross tons and not greater than 300 gross tons is deemed to be a tour vessel for the purpose of permit allocation regulations under section 3(h) of Public Law 91-383 (16 U.S.C. 1a-2(h)) and section 3 of the Act of August 25, 1916 (16 U.S.C. 3), with respect to vessel operations in Glacier Bay National Park and Preserve, Alaska (in this section referred to as “Glacier Bay”), if the Secretary of the department in which the Coast Guard is operating determines that the vessel—

- (1) has equipment installed that permits all graywater and blackwater to be stored on board for at least 24 hours;
- (2) has a draft of not greater than 15 feet;
- (3) has propulsion equipment of not greater than 5,000 horsepower; and
- (4) is documented under the laws of the United States.

(b) **REALLOCATION OF PERMITS.**—

(1) **REALLOCATION REQUIRED.**—Subject to paragraph (2), the Secretary of the Interior, upon application by the operator of a passenger vessel deemed to be a tour vessel under subsection (a), shall reallocate to that vessel any available tour vessel concession permit not used by another vessel, if at the time of application that permit is not sought by a tour vessel of less than 100 gross tons.

(2) **LIMITATIONS.**—No more than three passenger vessels that are deemed to be a tour vessel under subsection (a) may hold a tour vessel concession permit at any given time, and no more than one such vessel may enter Glacier Bay on any particular date.

(c) **COMPLIANCE WITH VESSEL REQUIREMENTS.**—

(1) **REQUIREMENT TO COMPLY.**—Except as otherwise provided in this section, a vessel reallocated a tour vessel concession permit under this section shall comply with all regulations and requirements for Glacier Bay applicable to vessels of at least 100 gross tons.

(2) **REVOCATION OF PERMIT.**—The Secretary of the Interior may revoke a tour vessel concession permit reallocated to a vessel under this section if that vessel—

(A) discharges graywater or blackwater in Glacier Bay;

or

(B) violates a vessel operating requirement for Glacier Bay that applies to vessels that are at least 100 gross tons, including restrictions pertaining to speed, route, and closed waters.

(d) **TREATMENT OF ENTRIES INTO GLACIER BAY.**—An entry into Glacier Bay by a vessel reallocated a tour vessel concession permit under this section shall count against the daily vessel quota and seasonal-use days applicable to entries by tour vessels and shall not count against the daily vessel quota or seasonal-use days of any other class of vessel.

**SEC. 617. SENSE OF CONGRESS REGARDING TIMELY REVIEW AND ADJUSTMENT OF GREAT LAKES PILOTAGE RATES.**

It is the sense of the Congress that the Secretary of the department in which the Coast Guard is operating should, on a timely basis, review and adjust the rates payable under part 401 of title 46, Code of Federal Regulations, for services performed by United States registered pilots on the Great Lakes.

**SEC. 618. WESTLAKE CHEMICAL BARGE DOCUMENTATION.**

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) and section 12106 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of the following vessels:

- (1) Barge WCAO-101 (United States official number 506677).
- (2) Barge WCAO-102 (United States official number 506851).
- (3) Barge WCAO-103 (United States official number 506852).
- (4) Barge WCAO-104 (United States official number 507172).
- (5) Barge WCAO-105 (United States official number 507173).
- (6) Barge WCAO-106 (United States official number 620514).
- (7) Barge WCAO-107 (United States official number 620515).
- (8) Barge WCAO-108 (United States official number 620516).
- (9) Barge WCAO-3002 (United States official number 295147).
- (10) Barge WCAO-3004 (United States official number 517396).

8 USC 1701.

**SEC. 619. CORRECTION TO DEFINITION.**

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173) is amended by striking subparagraph (G) and inserting the following:

“(G) The Coast Guard.”.

**SEC. 620. LORAN-C.**

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, \$25,000,000 for

\* \* \* \* \*

Deadline.  
Reports.

vessel routing measures for reducing vessel strikes of North Atlantic Right Whales, as described in the notice published at pages 30857 through 30861 of volume 69 of the Federal Register; and

(2) within 18 months after the date of the enactment of this Act, shall provide a final report of its analysis to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### SEC. 627. CONVEYANCE OF LIGHT STATIONS.

Section 308(c) of the National Historic Preservation Act (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

“(4) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by an owner who—

“(A) received from the Federal Government under authority other than this Act an historic light station in which the United States retains a reversionary or other interest; and

“(B) is conveying it to another person by sale, gift, or any other manner,

the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.”.

#### SEC. 628. WAIVER.

The Secretary of the department in which the Coast Guard is operating may waive the application of section 2101(21) of title 46, United States Code, with respect to one of two adult chaperones who do not meet the requirements of subparagraph (A)(i), (ii), or (iii) of such section on board each vessel owned or chartered by the Florida National High Adventure Sea Base program of the Boy Scouts of America, if the Secretary determines that such a waiver will not compromise safety.

#### SEC. 629. APPROVAL OF MODULAR ACCOMMODATION UNITS FOR LIVING QUARTERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall approve the use of a modular accommodation unit on a floating offshore facility to provide accommodations for up to 12 individuals, if —

(1) the unit is approximately 12 feet in length and 40 feet in width;

(2) before March 31, 2002—

(A) the Secretary approved use of the unit to provide accommodations on such a facility; and

(B) the unit was used to provide such accommodations; and

\* \* \* \* \*



shall, within 90 days, submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure House of Representatives on what actions will be taken to correct deficiencies identified in the Inspector General Report.

Deadlines.

(i) COMPLIANCE WITH SECURITY STANDARDS ESTABLISHED PURSUANT TO MARITIME TRANSPORTATION SECURITY PLANS.—Within 180 days after the date of the enactment of this Act and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall prepare a report on compliance and steps taken to ensure compliance by ports, terminals, vessel operators, and shippers with security standards established pursuant to section 70103 of title 46, United States Code. The reports shall also include a summary of security standards established pursuant to such section during the previous year. The Secretary shall submit the reports to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Reports.

(j) EMPTY CONTAINERS.—The Secretary of the department in which the Coast Guard is operating shall prepare a report on the practice and policies in place at United States ports to secure shipment of empty containers and trailers. The Secretary shall include in the report recommendations with respect to whether additional Federal actions are necessary to ensure the safe and secure delivery of cargo and to prevent potential acts of terrorism involving such containers and trailers.

46 USC 70101  
note.

(k) REPORT AND PLAN FORMATS.—The Secretary and the Inspector General of the department in which the Coast Guard is operating may submit any plan or report required by this section in both classified and redacted formats, if the Secretary determines that it is appropriate or necessary.

Approved August 9, 2004.

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**LEGISLATIVE HISTORY—H.R. 2443 (S. 733):**

HOUSE REPORTS: Nos. 108-233 (Comm. on Transportation and Infrastructure) and 108-617 (Comm. of Conference).

SENATE REPORTS: No. 108-202 accompanying S. 733 (Comm. on Commerce, Science, and Transportation).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Nov. 5, considered and passed House.

Vol. 150 (2004): Mar. 30, considered and passed Senate, amended.

July 21, House agreed to conference report.

July 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Aug. 9, Presidential statement.



Public Law 108-307  
108th Congress

An Act

To revise the boundary of Harpers Ferry National Historical Park, and for other purposes.

Sept. 24, 2004  
[S. 1576]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Harpers Ferry National Historical Park Boundary Revision Act of 2004”.

**SEC. 2. HARPERS FERRY NATIONAL HISTORICAL PARK.**

The first section of the Act of June 30, 1944 (58 Stat. 645, chapter 328; 16 U.S.C. 450bb), is amended to read as follows:

**“SECTION 1. HARPERS FERRY NATIONAL HISTORICAL PARK.**

“(a) **IN GENERAL.**—To carry out the purposes of this Act, the Secretary of the Interior (referred to in this Act as the ‘Secretary’) is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the boundaries as generally depicted on the map entitled ‘Boundary Map, Harpers Ferry National Historical Park’, numbered 385-80,021A, and dated April 1979.

“(b) **BRADLEY AND RUTH NASH ADDITION.**—The Secretary is authorized to acquire, by donation only, approximately 27 acres of land or interests in land that are outside the boundary of the Harpers Ferry National Historical Park and generally depicted on the map entitled ‘Proposed Bradley and Ruth Nash Addition—Harpers Ferry National Historical Park’, numbered 385-80056, and dated April 1, 1989.

“(c) **BOUNDARY EXPANSION.**—

“(1) **IN GENERAL.**—The Secretary is authorized to acquire, by purchase from a willing seller with donated or appropriated funds, by donation, or by exchange, land or an interest in land within the area depicted as ‘Private Lands’ on the map entitled ‘Harpers Ferry National Historical Park Proposed Boundary Expansion’, numbered 385/80,126, and dated July 14, 2003.

“(2) **ADMINISTRATION.**—The Secretary shall—

“(A) transfer to the National Park Service for inclusion in the Harpers Ferry National Historical Park (referred to in this Act as the ‘Park’) the land depicted on the map referred to in paragraph (1) as ‘U.S. Fish and Wildlife Service Lands’ and revise the boundary of the Park accordingly; and

Harpers Ferry  
National  
Historical Park  
Boundary  
Revision Act  
of 2004.  
West Virginia.  
16 USC 450bb  
note.

“(B) revise the boundary of the Park to include the land depicted on the map referred to in paragraph (1) as ‘Appalachian NST’ and exclude that land from the boundary of the Appalachian National Scenic Trail.

“(d) MAXIMUM NUMBER OF ACRES.—The number of acres of the Park shall not exceed 3,745.

“(e) MAPS.—The maps referred to in this section shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(f) ACQUIRED LAND.—Land or an interest in land acquired under this section shall become a part of the Park, subject to the laws (including regulations) applicable to the Park.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”.

### SEC. 3. CONFORMING AMENDMENTS.

Sections 2 and 3 of the Act of June 30, 1944 (58 Stat. 646, chapter 328; 16 U.S.C. 450bb-1, 450bb-2), are amended by striking “Secretary of the Interior” each place it appears and inserting “Secretary”.

Approved September 24, 2004.

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#### LEGISLATIVE HISTORY—S. 1576:

HOUSE REPORTS: No. 108-655 (Comm. on Resources).

SENATE REPORTS: No. 108-236 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

May 19, considered and passed Senate.

Sept. 13, considered and passed House.





Public Law 108-312  
108th Congress

An Act

Oct. 5, 2004  
[H.R. 265]

To provide for an adjustment of the boundaries of Mount Rainier National Park,  
and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

Mount Rainier  
National Park  
Boundary  
Adjustment Act  
of 2004.  
Washington.  
16 USC 91 note.  
16 USC 110d  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Mount Rainier National Park  
Boundary Adjustment Act of 2004”.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Carbon River watershed within Pierce County in the State of Washington has unique qualities of ecological, economic, and educational importance, including clean water, productive salmon streams, important wildlife habitat, active geologic processes, outdoor recreational opportunities, scenic beauty, educational opportunities, and diverse economic opportunities.

(2) Mount Rainier National Park is one of the premier attractions in the State of Washington, providing recreational, educational, and economic opportunities that will be enhanced by the construction of new campgrounds and visitor contact facilities in the Carbon River valley outside old-growth forest habitats and above the flood plain.

(3) Coordination of management across national forest and national park lands in this corridor will enhance the conservation of the forest ecosystem and public enjoyment of these public lands.

(4) Protection and development of historic and recreational facilities in the Carbon River valley, such as trails and visitor centers, can be facilitated by the National Park Service.

16 USC 110d.

**SEC. 3. MOUNT RAINIER NATIONAL PARK BOUNDARY ADJUSTMENT.**

(a) **BOUNDARY ADJUSTMENT.**—The boundary of Mount Rainier National Park is modified to include the area within the boundary generally depicted on the map entitled “Mount Rainier National Park, Carbon River Boundary Adjustment”, numbered 105/92,002B, and dated June 2003. The Secretary of the Interior shall keep the map on file in the appropriate offices of the National Park Service.

(b) **LAND ACQUISITION.**—The Secretary of the Interior may acquire, only with the consent of the owner, by donation, purchase with donated or appropriated funds, or exchange—

(1) land or interests in land, totaling not more than 800 acres, and improvements thereon within the boundary generally depicted on the map referred to in subsection (a) for development of camping and other recreational facilities; and

(2) land or interests in land, totaling not more than one acre, and improvements thereon in the vicinity of Wilkeson, Washington, for a facility to serve visitors to public lands along the Carbon and Mowich Corridors.

(c) **ADMINISTRATION OF ACQUIRED LANDS.**—Lands acquired under this section shall be administered by the Secretary of the Interior as part of Mount Rainier National Park in accordance with applicable laws and regulations.

#### **SEC. 4. ASSOCIATED LANDS.**

The Secretary of Agriculture shall manage that portion of the Mt. Baker-Snoqualmie National Forest lying adjacent to Mt. Rainier National Park, as identified on the map referred to in section 3(a), to maintain the area's natural setting in a manner consistent with its management as of June 1, 2003.

Approved October 5, 2004.

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#### **LEGISLATIVE HISTORY—H.R. 265:**

**HOUSE REPORTS:** No. 108-495 (Comm. on Resources).

**SENATE REPORTS:** No. 108-330 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD**, Vol. 150 (2004):

June 1, considered and passed House.

Sept. 15, considered and passed Senate.



Public Law 108-313  
108th Congress

An Act

Oct. 5, 2004  
[H.R. 1521]

To provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Johnstown Flood  
National  
Memorial  
Boundary  
Adjustment Act  
of 2004.  
16 USC 431 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Johnstown Flood National Memorial Boundary Adjustment Act of 2004”.

**SEC. 2. BOUNDARY OF JOHNSTOWN FLOOD NATIONAL MEMORIAL.**

The boundary of the Johnstown Flood National Memorial (“Memorial”) is modified to include the area as generally depicted on the map entitled “Johnstown Flood National Memorial, Cambria County, Commonwealth of Pennsylvania”, numbered N.E.R.O. 427/80,008 and dated June, 2003. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

**SEC. 3. ACQUISITION OF LANDS.**

The Secretary of the Interior (“Secretary”) is authorized to acquire from willing sellers the land or interests in land as described in section 2 by donation, purchase with donated or appropriated funds, or exchange.

**SEC. 4. ADMINISTRATION OF LANDS.**

Lands added to the Memorial by section 2 shall be administered by the Secretary as part of the Memorial in accordance with applicable laws and regulations.



**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

In addition to amounts otherwise made available for land acquisition, there are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved October 5, 2004.

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**LEGISLATIVE HISTORY—H.R. 1521:**

**HOUSE REPORTS:** No. 108-301 (Comm. on Resources).

**SENATE REPORTS:** No. 108-276 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 15, considered and passed House.

Vol. 150 (2004): Sept. 15, considered and passed Senate.



Public Law 108-314  
108th Congress

An Act

Oct. 5, 2004

[H.R. 1616]

To authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes.

Martin Luther  
King, Junior,  
National Historic  
Site Land  
Exchange Act.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Martin Luther King, Junior, National Historic Site Land Exchange Act”.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) Public Law 96-438 established the Martin Luther King, Junior, National Historic Site, and allows acquisition, by donation only, of lands owned by the State.

(2) The National Park Service owns a vacant lot that has no historic significance. The City of Atlanta has expressed interest in acquiring this property to encourage commercial development along Edgewood Avenue.

(3) The National Historic Site Visitor Center and Museum is land-locked and has no emergency ingress or egress, making it virtually impossible for firefighting equipment to reach.

(4) The acquisition of city-owned property would enable the National Park Service to establish easy street access to the National Historic Site Visitor Center and Museum, and would benefit the City by exchanging a piece of property that the City could develop.

(b) **PURPOSE.**—The purpose of this Act is to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia.

**SEC. 3. LAND EXCHANGE.**

Section 2(b)(1) of the Act of October 10, 1980 (Public Law 96-428; 94 Stat. 1839; 16 U.S.C. 461 note) is amended by striking the period and inserting “or exchange.”.

Approved October 5, 2004.

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**LEGISLATIVE HISTORY—H.R. 1616:**

**HOUSE REPORTS:** No. 108-255 (Comm. on Resources).

**SENATE REPORTS:** No. 108-332 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 28, considered and passed House.

Vol. 150 (2004): Sept. 15, considered and passed Senate.





Public Law 108-321  
108th Congress

An Act

Oct. 5, 2004

[H.R. 3768]

Timucuan  
Ecological and  
Historic Preserve  
Boundary  
Revision Act of  
2004.  
16 USC 698n  
note.

To expand the Timucuan Ecological and Historic Preserve, Florida.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Timucuan Ecological and Historic  
Preserve Boundary Revision Act of 2004”.

**SEC. 2. REVISION OF BOUNDARY OF TIMUCUAN ECOLOGICAL AND HIS-  
TORIC PRESERVE, FLORIDA.**

Section 201(a) of Public Law 100-249 (16 U.S.C. 698n) is  
amended—

(1) by striking “(a) ESTABLISHMENT.—There is hereby” and  
inserting the following:

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is”; and

(2) by adding at the end the following:

“(2) MODIFICATION OF BOUNDARY.—

“(A) IN GENERAL.—In addition to the land described  
in paragraph (1), the Preserve shall include approximately  
8.5 acres of land located in Nassau County, Florida, as  
generally depicted on the map entitled “Timucuan  
Ecological and Historic Preserve American Beach Adjust-  
ment”, numbered 006/80012 and dated June 2003.

“(B) DUTIES OF SECRETARY.—The Secretary of the  
Interior shall—

“(i) revise the boundaries of the Preserve so as  
to encompass the land described in subparagraph (A);  
and

“(ii) maintain the map described in subparagraph (A) on file and available for public inspection in the appropriate offices of the National Park Service.”.

Approved October 5, 2004.

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**LEGISLATIVE HISTORY—H.R. 3768:**

HOUSE REPORTS: No. 108-493 (Comm. on Resources).

SENATE REPORTS: No. 108-333 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

May 17, considered and passed House.

Sept. 15, considered and passed Senate.



Public Law 108-335  
108th Congress

An Act

Oct. 18, 2004

[H.R. 4850]

District of  
Columbia  
Appropriations  
Act, 2005.

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2005, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$25,600,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than \$1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

Reports.

\* \* \* \* \*



## TITLE III—GENERAL PROVISIONS

SEC. 301. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 302. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 303. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly provided herein.

SEC. 305. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this Act to carry out lobbying activities on any matter other than—

- (1) the promotion or support of any boycott; or
- (2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 306. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or responsibility center;
- (3) establishes or changes allocations specifically denied, limited or increased under this Act;
- (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
- (5) reestablishes any program or project previously deferred through reprogramming;
- (6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or
- (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless

\* \* \* \* \*

applicant or Board of Trustees maintains its charter.”; and

(2) in paragraph (2)(A), by striking “preference” and inserting “a right to first offer”; and

(3) by adding at the end the following:

“(3) CONVERSION PUBLIC CHARTER SCHOOLS.—Any District of Columbia public school that was approved to become a conversion public charter school under section 2201 before the effective date of this subsection or is approved to become a conversion public charter school after the effective date of this subsection, shall have the right to exclusively occupy the facilities the school occupied as a District of Columbia public school under a lease for a period of not less than 25 years, renewable for additional 25-year periods as long as the school maintains its charter at the non-profit rate, or if there is no non-profit rate, at 25 percent less than the fair market rate for school use.”.

SEC. 343. ANNUAL REPORT TO CONGRESS. Section 2211 of the School Reform Act of 1995 (D.C. Code 38-1802.11) is amended by—

(1) adding the following new subparagraph at the end of section 2211(a)(1):

“(D) Shall ensure that each public charter school complies with the annual reporting requirement of subsection 38-1802.04(b)(11) of this Act, including submission of the audited financial statement required by sub-subsection (B)(ix) of that section.”; and

(2) adding the following before the period at the end of subparagraph (d):

“(10) details of major Board actions; (11) major findings from school reviews of academic, financial, and compliance with health and safety standards and resulting Board action or recommendations; (12) details of the fifth year review process and outcomes; (13) summary of annual financial audits of all charter schools, including (a) the number of schools that failed to timely submit the audited financial statement required by that section; (b) the number of schools whose audits revealed a failure to follow required accounting practices or other material deficiencies; and (c) the steps taken by the authority to ensure that deficiencies found by the audits are rectified; (14) number of schools which have required intervention by authorizing board to address any academic or operational issue; (15) what recommendations an authorizing board has made to correct identified deficiencies”.

SEC. 344. TRANSFER TO DISTRICT OF COLUMBIA. (a) TRANSFER OF JURISDICTION.—

Deadline.

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, subject to subsection (b), the Director of the National Park Service (referred to in this section as the “NPS”), acting on behalf of the Secretary of the Interior, shall transfer jurisdiction to the government of the District of Columbia, without consideration, the property described in paragraph (2).

(2) PROPERTY.—The property referred to in paragraph (1) is—

(A) a portion of National Park Service land in Anacostia Park, U.S. Reservation 343, Section G, the boundaries of which are the Anacostia River to the west, Watts Branch to the south, Kenilworth Aquatic Gardens to the north, and Anacostia Avenue to the east which includes the community center currently occupied under permit by the District of Columbia known as the "Kenilworth Parkside Community Center"; and

(B) all of U.S. Reservation 523.

(b) CONDITIONS OF TRANSFER.—

(1) TERM.—Jurisdiction will be transferred from the NPS to the District of Columbia.

(2) CONDITION OF TRANSFER.—The transfer of jurisdiction under subsection (a)(1) shall be subject to such terms and conditions, to be included in a Declaration of Covenants to be mutually executed between NPS and the District of Columbia to ensure that the property transferred under that subsection—

(A) is used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities; and

(B) nothing in this Act precludes the District of Columbia from entering into a lease for all or part of the property with a public not-for-profit entity for the management or maintenance of the property.

(3) TERMINATION.—

(A) IN GENERAL.—The transfer under subsection (a)(1) shall terminate if—

(i) any term or condition of the transfer described in paragraph (2) or contained within the Declaration of Covenants described in paragraph (2) is violated, as determined by the NPS; and

(ii) the violation is not corrected by the date that is 90 days after the date on which the Mayor of the District of Columbia receives from the NPS a written notice of the violation.

Deadline.

(B) DETERMINATION OF CORRECTION.—A violation of a term or condition of the transfer under subsection (a)(1) shall be determined to have been corrected under subparagraph (A)(ii) if, after notification of the violation, the District of Columbia and the NPS enter into an agreement that the NPS considers to be adequate to ensure that the property transferred will be used in a manner consistent with paragraph (2).

(4) PROHIBITION OF CIVIL ACTIONS.—No person may bring a civil action relating to a violation of any term or condition of the transfer described in paragraph (2) before the date that is 90 days after the person notifies the Mayor of the District of Columbia of the alleged violation (including the intent of the person to bring a civil action for termination of the transfer under paragraph (3)).

(5) REMOVAL OF STRUCTURES; REHABILITATION.—The transfer under subsection (a)(1) shall be subject to the condition that, in the event of a termination of the transfer under paragraph (3), the District of Columbia shall bear the cost of removing structures on, or rehabilitating, the property transferred.



(6) ADMINISTRATION OF PROPERTY.—If the transfer under subsection (a)(1) is terminated under paragraph (3), the property covered by the transfer shall be returned to the NPS and administered as a unit of the National Park System in the District of Columbia in accordance with—

(A) the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.); and

(B) other laws (including regulations) generally applicable to units of the National Park System.

SEC. 345. The project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated under section 1135 of Public Law 99-662, is authorized at a total cost of \$9,100,000 with a Federal cost of \$6,825,000 and a non-Federal cost of \$2,275,000.

SEC. 346. BIENNIAL EVALUATION OF CHARTER SCHOOL AUTHORIZING BOARDS. (a) Biennial management evaluation of the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools shall be conducted by the Comptroller General of the United States.

(b) Evaluation shall include the following:

(1) Establish standards to assess each authorizer’s procedures and oversight quality.

(2) Identify gaps in oversight and recommendations.

(3) Review processes of charter school applications.

(4) Extent of ongoing monitoring, technical assistance, and sanctions provided to schools.

(5) Compliance with annual reporting requirements.

(6) Actual budget expenditures for the preceding 2 fiscal years.

(7) Comparison of budget expenditures with mandated responsibilities.

(8) Alignment with best practices.

(9) Quality and timeliness of meeting section 2211(d) of the School Reform Act of 1995 (D.C. Code 38-1802.11(d)), as amended.

Deadline.

(c) INITIAL INTERIM REPORT TO CONGRESS.—The Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and Senate, no later than May 1, 2005, a baseline report on the performance of each authorizer in meeting the requirements of the School Reform Act of 1995.

Applicability.

(d) Hereafter section 2214(f) of Public Law 104-143 (D.C. Code 38-1802.14(f)), shall apply to the District of Columbia Board of Education Charter Schools Office.

SEC. 347. CLARIFYING OPERATIONS OF PUBLIC CHARTER SCHOOL BOARD. Section 2214 of the School Reform Act of 1995 (Public Law 104-134; D.C. Code 38-1802.14), is amended—

110 Stat. 1321-133.

(1) by striking subsection (f) and inserting the following:

“(f) AUDIT.—The Board shall maintain its accounts according to Generally Accepted Accounting Principles for Not-for-Profit Organizations. The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States. The findings and recommendations of any such audit shall be forwarded to the Mayor, the District of Columbia Council, the

appropriate congressional committees, and the Office of the Chief Financial Officer.”; and

(2) adding at the end the following:

“(h) CONTRACTING AND PROCUREMENT.—The Board shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer. Nothing in chapter 3 of title 2 of the District of Columbia Code shall affect the authority of the Board under this subsection.”.

This Act may be cited as the “District of Columbia Appropriations Act, 2005”.

Approved October 18, 2004.

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**LEGISLATIVE HISTORY—H.R. 4850 (S. 2826):**

**HOUSE REPORTS:** Nos. 108-610 (Comm. on Appropriations) and 108-734 (Comm. of Conference).

**SENATE REPORTS:** No. 108-354 accompanying S. 2826 (Comm. on Appropriations).

**CONGRESSIONAL RECORD**, Vol. 150 (2004):

July 20, considered and passed House.

Sept. 22, considered and passed Senate, amended, in lieu of S. 2826.

Oct. 6, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 40 (2004):

Oct. 18, Presidential statement.



Public Law 108-340  
108th Congress

An Act

Oct. 18, 2004  
[S. 1687]

Manhattan  
Project National  
Historical Park  
Study Act.  
State listing.

To direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Manhattan Project National Historical Park Study Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY.—The term “study” means the study authorized by section 3(a).

(3) STUDY AREA.—

(A) IN GENERAL.—The term “study area” means the historically significant sites associated with the Manhattan Project.

(B) INCLUSIONS.—The term “study area” includes—

(i) Los Alamos National Laboratory and townsite in the State of New Mexico;

(ii) the Hanford Site in the State of Washington; and

(iii) Oak Ridge Reservation in the State of Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall conduct a special resource study of the study area to assess the national significance, suitability, and feasibility of designating 1 or more sites within the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with interested Federal, State, tribal, and local officials, representatives of organizations, and members of the public;

(B) evaluate, in coordination with the Secretary of Energy, the compatibility of designating 1 or more sites within the study area as a unit of the National Park



System with maintaining the security, productivity, and management goals of the Department of Energy and public health and safety; and

(C) consider research in existence on the date of enactment of this Act by the Department of Energy on the historical significance and feasibility of preserving and interpreting the various sites and structures in the study area.

(b) **REPORT.**—Not later than 2 years after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and the conclusions and recommendations of the Secretary.

#### **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 18, 2004.

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#### **LEGISLATIVE HISTORY—S. 1687:**

**SENATE REPORTS:** No. 108-270 (Comm. on Energy and Natural Resources).  
**CONGRESSIONAL RECORD**, Vol. 150 (2004):  
Sept. 15, considered and passed Senate.  
Sept. 28, considered and passed House.



Public Law 108-342  
108th Congress

An Act

Oct. 18, 2004  
[S. 2052]

To amend the National Trails System Act to designate El Camino Real de los  
Tejas as a National Historic Trail.

El Camino Real  
de los Tejas  
National Historic  
Trail Act.  
Texas.  
Louisiana.  
Mexico.  
16 USC 1241  
note.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “El Camino Real de los Tejas  
National Historic Trail Act”.

**SEC. 2. DESIGNATION OF EL CAMINO REAL DE LOS TEJAS NATIONAL  
HISTORIC TRAIL.**

Section 5(a) of the National Trails System Act (16 U.S.C.  
1244(a)) is amended by adding at the end the following:

“(24) EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—El Camino Real de los Tejas (the Royal  
Road to the Tejas) National Historic Trail, a combination of  
historic routes (including the Old San Antonio Road) totaling  
approximately 2,580 miles, extending from the Rio Grande  
near Eagle Pass and Laredo, Texas, to Natchitoches, Louisiana,  
as generally depicted on the map entitled ‘El Camino Real  
de los Tejas’ contained in the report entitled ‘National Historic  
Trail Feasibility Study and Environmental Assessment: El  
Camino Real de los Tejas, Texas-Louisiana’, dated July 1998.

“(B) MAP.—A map generally depicting the trail shall be  
on file and available for public inspection in the appropriate  
offices of the National Park Service.

“(C) ADMINISTRATION.—(i) The Secretary of the Interior  
(referred to in this paragraph as ‘the Secretary’) shall admin-  
ister the trail.

“(ii) The Secretary shall administer those portions of the  
trail on non-Federal land only with the consent of the owner  
of such land and when such trail portion qualifies for certifi-  
cation as an officially established component of the trail, con-  
sistent with section 3(a)(3). An owner’s approval of a certifi-  
cation agreement shall satisfy the consent requirement. A cer-  
tification agreement may be terminated at any time.

“(iii) The designation of the trail does not authorize any  
person to enter private property without the consent of the  
owner.

“(D) CONSULTATION.—The Secretary shall consult with  
appropriate State and local agencies in the planning and  
development of the trail.

“(E) COORDINATION OF ACTIVITIES.—The Secretary may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.

“(F) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-administered area without the consent of the owner of the land or interest in land.”.

Approved October 18, 2004.

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**LEGISLATIVE HISTORY—S. 2052:**

SENATE REPORTS: No. 108-321 (Comm. on Energy and Natural Resources).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Sept. 15, considered and passed Senate.  
Sept. 28, considered and passed House.





Public Law 108-343  
108th Congress

An Act

Oct. 18, 2004  
[S. 2319]

Tapoco Project  
Licensing Act  
of 2004.  
16 USC 403 note.

To authorize and facilitate hydroelectric power licensing of the Tapoco Project.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tapoco Project Licensing Act of 2004”.

16 USC 403 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) APCI.—The term “APCI” means Alcoa Power Generating Inc. (including its successors and assigns).

(2) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(3) MAP.—The term “map” means the map entitled “Tapoco Hydroelectric Project, P-2169, Settlement Agreement, Appendix B, Proposed Land Swap Areas, National Park Service and APCI”, numbered TP514, Issue No. 9, and dated June 8, 2004.

(4) PARK.—The term “Park” means Great Smoky Mountains National Park.

(5) PROJECT.—The term “Project” means the Tapoco Hydroelectric Project, FERC Project No. 2169, including the Chilhowee Dam and Reservoir in the State of Tennessee.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

16 USC 403 note.

SEC. 3. LAND EXCHANGE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Upon the conveyance by APCI of title acceptable to the Secretary of the land identified in paragraph (2), the Secretary shall simultaneously convey to APCI title to the land identified in paragraph (3).

(2) DESCRIPTION OF LAND TO BE CONVEYED BY APCI.—The land to be conveyed by APCI to the Secretary is the approximately 186 acres of land, subject to any encumbrances existing before February 21, 2003—

(A) within the authorized boundary of the Park, located northeast of United States Highway 129 and adjacent to the APCI power line; and

(B) as generally depicted on the map as “Proposed Property Transfer from APCI to National Park Service”.

(3) DESCRIPTION OF LAND TO BE CONVEYED BY THE SECRETARY.—The land to be conveyed by the Secretary to APCI

are the approximately 110 acres of land within the Park that are—

(A) adjacent to or flooded by the Chilhowee Reservoir;

(B) within the boundary of the Project as of February 21, 2003; and

(C) as generally depicted on the map as “Proposed Property Transfer from National Park Service to APCI”.

(b) MINOR ADJUSTMENTS TO CONVEYED LAND.—The Secretary and APCI may mutually agree to make minor boundary or acreage adjustments to the land identified in paragraphs (2) and (3) of subsection (a).

(c) OPPORTUNITY TO MITIGATE.—If the Secretary determines that all or part of the land to be conveyed to the Park under subsection (a) is unsuitable for inclusion in the Park, APCI shall have the opportunity to make the land suitable for inclusion in the Park.

(d) CONSERVATION EASEMENT.—The Secretary shall reserve a conservation easement over any land transferred to APCI under subsection (a)(3) that, subject to any terms and conditions imposed by the Commission in any license that the Commission may issue for the Project, shall—

(1) specifically prohibit any development of the land by APCI, other than any development that is necessary for the continued operation and maintenance of the Chilhowee Reservoir;

(2) authorize public access to the easement area, subject to National Park Service regulations; and

(3) authorize the National Park Service to enforce Park regulations on the land and in and on the waters of Chilhowee Reservoir lying on the land, to the extent not inconsistent with any license condition considered necessary by the Commission.

(e) APPLICABILITY OF CERTAIN LAWS.—Section 5(b) of Public Law 90-401 (16 U.S.C. 460l-22(b)), shall not apply to the land exchange authorized under this section.

(f) REVERSION.—

(1) IN GENERAL.—The deed from the Secretary to APCI shall contain a provision that requires the land described in subsection (a)(3) to revert to the United States if—

(A) the Chilhowee Reservoir ceases to exist; or

(B) the Commission issues a final order decommissioning the Project from which no further appeal may be taken.

(2) APPLICABLE LAW.—A reversion under this subsection shall not eliminate APCI's responsibility to comply with all applicable provisions of the Federal Power Act (16 U.S.C. 791a et seq.), including regulations.

(g) BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—On completion of the land exchange authorized under this section, the Secretary shall—

(A) adjust the boundary of the Park to include the land described in subsection (a)(2); and

(B) administer any acquired land as part of the Park in accordance with applicable law (including regulations).

(2) NATIONAL PARK SERVICE LAND.—Notwithstanding the exchange of land under this section, the land described in subsection (a)(3) shall remain in the boundary of the Park.

Federal Register,  
publication.

(3) PUBLIC NOTICE.—The Secretary shall publish in the Federal Register notice of any boundary revised under paragraph (1).

16 USC 403 note.

**SEC. 4. PROJECT LICENSING.**

Notwithstanding the continued inclusion of the land described in section 3(a)(3) in the boundary of the Park (including any modification made pursuant to section 3(b)) on completion of the land exchange, the Commission shall have jurisdiction to license the Project.

16 USC 403 note.

**SEC. 5. LAND ACQUISITION.**

(a) IN GENERAL.—The Secretary or the Secretary of Agriculture may acquire, by purchase, donation, or exchange, any land or interest in land that—

(1) may be transferred by APGI to any non-governmental organization; and

(2) is identified as “Permanent Easement” or “Term Easement” on the map entitled “Tapoco Hydroelectric Project, P-2169, Settlement Agreement, Appendix B, Proposed Land Conveyances in Tennessee”, numbered TP616, Issue No. 15, and dated March 11, 2004.

(b) LAND ACQUIRED BY THE SECRETARY OF THE INTERIOR.—The Secretary shall—

(1) adjust the boundary of the Park to include any land or interest in land acquired by the Secretary under subsection (a);

(2) administer any acquired land or interest in land as part of the Park in accordance with applicable law (including regulations); and

(3) publish notice of the adjustment in the Federal Register.

Federal Register,  
publication.

(c) LAND ACQUIRED BY THE SECRETARY OF AGRICULTURE.—

(1) BOUNDARY ADJUSTMENT.—The Secretary of Agriculture shall—

(A) adjust the boundary of the Cherokee National Forest to include any land acquired under subsection (a);

(B) administer any acquired land or interest in land as part of the Cherokee National Forest in accordance with applicable law (including regulations); and

(C) publish notice of the adjustment in the Federal Register.

Federal Register,  
publication.

(2) MANAGEMENT.—The Secretary of Agriculture shall evaluate the feasibility of managing any land acquired by the Secretary of Agriculture under subsection (a) in a manner that retains the primitive, back-country character of the land.



**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 403 note.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 18, 2004.

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**LEGISLATIVE HISTORY—S. 2319 (H.R. 4667):**

**HOUSE REPORTS:** No. 108-721, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Resources) both accompanying H.R. 4667.

**SENATE REPORTS:** No. 108-299 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD**, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Oct. 4, considered and passed House.



Public Law 108-348  
108th Congress

An Act

Oct. 20, 2004  
[S. 2895]

To authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ILLUMINATION OF GATEWAY ARCH IN HONOR OF BREAST CANCER AWARENESS MONTH.**

In honor of breast cancer awareness month, the Secretary of the Interior shall authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights for a certain period of time in October, to be designated by the Secretary of the Interior.

Approved October 20, 2004.

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**LEGISLATIVE HISTORY—S. 2895:**

CONGRESSIONAL RECORD, Vol. 150 (2004):

Oct. 5, considered and passed Senate.

Oct. 8, considered and passed House.

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Public Law 108-352  
108th Congress

An Act

To make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

Oct. 21, 2004

[S. 2178]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Park System Laws Technical Amendments Act of 2004”.

National Park  
System Laws  
Technical  
Amendments Act  
of 2004.  
16 USC 1 note.

**SEC. 2. LACKAWANNA VALLEY HERITAGE AREA.**

Section 106 of the Lackawanna Valley National Heritage Area Act of 2000 (16 U.S.C. 461 note; Public Law 106-278) is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORITIES OF MANAGEMENT ENTITY.**—For purposes of preparing and implementing the management plan, the management entity may—

“(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and

“(2) hire and compensate staff.”.

**SEC. 3. HAWAII VOLCANOES NATIONAL PARK.**

Section 5 of the Act of June 20, 1938 (16 U.S.C. 392c) is amended by striking “Hawaii Volcanoes” each place it appears and inserting “Hawai‘i Volcanoes”.

**SEC. 4. “I HAVE A DREAM” PLAQUE AT LINCOLN MEMORIAL.**

Section 2 of Public Law 106-365 (114 Stat. 1409) is amended by striking “and expand contributions” and inserting “and expend contributions”.

40 USC 8903  
note.

**SEC. 5. WILD AND SCENIC RIVERS.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (162) (relating to White Clay Creek, Delaware and Pennsylvania) as paragraph (163);

(2) by designating the second paragraph (161) (relating to the Wekiwa River, Wekiwa Springs Run, Rock Springs Run, and Black Water Creek, Florida) as paragraph (162);

(3) by designating the undesignated paragraph relating to the Wildhorse and Kiger Creeks, Oregon, as paragraph (164);

(4) by redesignating the third paragraph (161) (relating to the Lower Delaware River and associated tributaries, New Jersey and Pennsylvania) as paragraph (165) and by indenting appropriately; and



(5) by redesignating the undesignated paragraph relating to the Rivers of Caribbean National Forest, Puerto Rico, as paragraph (166).

**SEC. 6. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK**

The Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000 (16 U.S.C. 410ggg et seq.) is amended—

16 USC 410ggg.

(1) in section 2(b), by striking “numbered 963/80000” and inserting “numbered 963/80,000”; and

16 USC 410ggg.

(2) in section 3—

(A) in subsection (a)(1), by striking “August 35” and inserting “August 25”;

(B) in subsection (b)(1), by striking “the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A”; and

(C) in subsection (e)(2), by striking “the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67,” and inserting “the Child Development Field Centers (Ruth C. Powers) (Maritime), Atchison Housing, the Kaiser-Permanente Field Hospital, and Richmond Fire Station 67A.”

**SEC. 7. VICKSBURG CAMPAIGN TRAIL BATTLEFIELDS.**

The Vicksburg Campaign Trail Battlefields Preservation Act of 2000 (114 Stat. 2202) is amended—

114 Stat. 2202.

(1) in section 2(a)(1), by striking “and Tennessee” and inserting “Tennessee, and Kentucky”; and

114 Stat. 2202.

(2) in section 3—

(A) in paragraph (1), by striking “and Tennessee,” and inserting “Tennessee, and Kentucky,”; and

(B) in paragraph (2)—

(i) in subparagraph (R), by striking “and” at the end;

(ii) by redesignating subparagraph (S) as subparagraph (T); and

(iii) by inserting after subparagraph (R) the following:

“(S) Fort Heiman in Calloway County, Kentucky, and resources in and around Columbus in Hickman County, Kentucky; and”.

**SEC. 8. HARRIET TUBMAN SPECIAL RESOURCE STUDY.**

Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “Public Law 91-383” and all that follows through “(P.L. 105-391; 112 Stat. 3501)” and inserting “section 8 of Public Law 91-383 (16 U.S.C. 1a-5)”.

40 USC 502 note.

**SEC. 9. PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS.**

Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management

agencies shall qualify for General Service Administration contract airfares.

**SEC. 10. SHORT TITLES.**

(a) NATIONAL PARK SERVICE ORGANIC ACT.—The Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.) is amended by adding at the end the following: 16 USC 1 note.

**“SEC. 5. SHORT TITLE.**

“This Act may be cited as the ‘National Park Service Organic Act’.”.

(b) NATIONAL PARK SYSTEM GENERAL AUTHORITIES ACT.—Public Law 91–383 (commonly known as the “National Park System General Authorities Act”) (16 U.S.C. 1a–1 et seq.) is amended by adding at the end the following: 16 USC 1 note.

**“SEC. 14. SHORT TITLE.**

“This Act may be cited as the ‘National Park System General Authorities Act’.”.

**SEC. 11. PARK POLICE INDEMNIFICATION.**

Section 2(b) of Public Law 106–437 (114 Stat. 1921) is amended by striking “the Act” and inserting “of the Act”. 16 USC 1a–6.

**SEC. 12. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.**

Section 1029 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4233) is amended— 16 USC 460kkk.

(1) in subsection (c)(2)(B)(i), by striking “reference” and inserting “referenced”; and

(2) in subsection (d)(4), by inserting a period after “plans”.

**SEC. 13. NATIONAL HISTORIC PRESERVATION ACT.**

Section 5(a)(8) of the National Historic Preservation Act Amendments of 2000 (Public Law 106–208; 114 Stat. 319) is amended by striking “section 110(1)” and inserting “section 110(l)”. 16 USC 470h–2.

**SEC. 14. NATIONAL TRAILS SYSTEM ACT.**

The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—

(1) in section 5— 16 USC 1244.

(A) in subsection (c)—

(i) in paragraph (19), by striking “Kissimme” and inserting “Kissimmee”;

(ii) in paragraph (40)(D) by striking “later that” and inserting “later than”; and

(iii) by designating the undesignated paragraphs relating to the Metacombent-Monadnock-Mattabesett Trail and The Long Walk Trail as paragraphs (41) and (42), respectively; and

(B) in the first sentence of subsection (d), by striking “establishment.”; and

(2) in section 10(c)(1), by striking “The Ice Age” and inserting “the Ice Age”. 16 USC 1249.

**SEC. 15. VICKSBURG NATIONAL MILITARY PARK.**

Section 3(b) of the Vicksburg National Military Park Boundary Modification Act of 2002 (16 U.S.C. 430h–11) is amended by striking

“the Secretary add it” and inserting “the Secretary shall add the property”.

**SEC. 16. ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE.**

16 USC 461 note. Section 2(2) of the Allegheny Portage Railroad National Historic Site Boundary Revision Act (Public Law 107-369; 116 Stat. 3069) is amended by striking “NERO 423/80,014 and dated May 01” and inserting “NERO 423/80,014A and dated July 02”.

**SEC. 17. TALLGRASS PRAIRIE NATIONAL PRESERVE.**

16 USC 698u-4. Section 1006(b) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4208) is amended by striking “subsection (a)(1)” and inserting “subsection (a)”.

Approved October 21, 2004.

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**LEGISLATIVE HISTORY—S. 2178:**

**SENATE REPORTS:** No. 108-239 (Comm. on Energy and Natural Resources).  
**CONGRESSIONAL RECORD**, Vol. 150 (2004):  
May 19, considered and passed Senate.  
Oct. 6, considered and passed House.

○



Public Law 108-367  
108th Congress

An Act

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

Oct. 25, 2004

[S. 524]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fort Donelson National Battlefield Expansion Act of 2004”.

Fort Donelson  
National  
Battlefield  
Expansion Act of  
2004.  
Tennessee.  
16 USC 428 note.  
16 USC 428p.

**SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

(a) **DESIGNATION; PURPOSE.**—There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—

- (1) the Battle of Fort Donelson in February 1862; and
- (2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

(b) **BOUNDARIES.**—The boundary of the Fort Donelson National Battlefield is revised to include the site of Fort Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled “Fort Donelson National Battlefield Boundary Adjustment” numbered 328/80024, and dated September 2003. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **EXPANSION OF BOUNDARIES.**—The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 3.

**SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON NATIONAL BATTLEFIELD.**

16 USC 428p-1.

(a) **ACQUISITION AUTHORITY.**—Subject to subsections (b) and (c), the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.

(b) **LAND ELIGIBLE FOR ACQUISITION.**—The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a)—

(1) within the boundaries of the Fort Donelson National Battlefield described in section 2(b); and

(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

(c) **BOUNDARY REVISION.**—Upon acquisition of land or interests in land described in subsection (b)(2), the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.

(d) **LIMITATION ON TOTAL ACREAGE OF PARK.**—The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.

16 USC 428p-2.

**SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL BATTLEFIELD.**

The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

Contracts.

**SEC. 5. RELATION TO LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.**

The Secretary of Agriculture and the Secretary of the Interior shall enter into a memorandum of understanding to facilitate cooperatively protecting and interpreting the remaining vestige of Fort Henry and other remaining Civil War resources in the Land Between the Lakes National Recreation Area affiliated with the Fort Donelson campaign.

**SEC. 6. CONFORMING AMENDMENT.**

The first section of Public Law 86-738 (16 U.S.C. 428k) is amended by striking “Tennessee” and all that follows through the period at the end and inserting “Tennessee.”.

Approved October 25, 2004.

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**LEGISLATIVE HISTORY—S. 524:**

**SENATE REPORTS:** No. 108-230 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD,** Vol. 150 (2004):

May 19, considered and passed Senate.

Oct. 8, considered and passed House.





Public Law 108-384  
108th Congress

An Act

To provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

Oct. 30, 2004

[H.R. 3479]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Brown Tree Snake Control and Eradication Act of 2004”.

Brown Tree  
Snake Control  
and Eradication  
Act of 2004.  
7 USC 8501 note.

**SEC. 2. DEFINITIONS.**

7 USC 8501.

In this Act:

(1) **BROWN TREE SNAKE.**—The term “brown tree snake” means the species of the snake *Boiga irregularis*.

(2) **COMPACT OF FREE ASSOCIATION.**—The term “Compact of Free Association” means the Compacts of Free Association entered into between the United States and the governments of the Federated States of Micronesia and the Republic of the Marshall Islands, as approved by and contained in Public Law 108-188 (117 Stat. 2720; 48 U.S.C. 1921 et seq.), and the Compact of Free Association entered into between the United States and the government of the Republic of Palau, as approved by and contained in Public Law 99-658 (100 Stat. 3673; 48 U.S.C. 1931 et seq.).

(3) **FREELY ASSOCIATED STATES.**—The term “Freely Associated States” means the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

(4) **INTRODUCTION.**—The terms “introduce” and “introduction” refer to the expansion of the brown tree snake outside of the range where this species is endemic.

(5) **SECRETARY.**—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to matters under the jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to matters under the jurisdiction of the Department of Agriculture.

(6) **SECRETARIES.**—The term “Secretaries” means both the Secretary of the Interior and the Secretary of Agriculture.

(7) **TECHNICAL WORKING GROUP.**—The term “Technical Working Group” means Brown Tree Snake Technical Working Group established under the authority of section 1209 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4728).

(8) **TERRITORIAL.**—The term “territorial”, when used to refer to a government, means the Government of Guam, the Government of American Samoa, and the Government of the Commonwealth of the Northern Mariana Islands, as well as autonomous agencies and instrumentalities of such a government.

(9) **UNITED STATES.**—The term “United States”, when used in the geographic sense, means the several States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the United States Virgin Islands, any other possession of the United States, and any waters within the jurisdiction of the United States.

7 USC 8502.

**SEC. 3. SENSE OF CONGRESS REGARDING NEED FOR IMPROVED AND BETTER COORDINATED FEDERAL POLICY FOR BROWN TREE SNAKE INTRODUCTION, CONTROL, AND ERADICATION.**

It is the sense of Congress that there exists a need for improved and better coordinated control, interdiction, research, and eradication of the brown tree snake on the part of the United States and other interested parties.

7 USC 8503.

**SEC. 4. BROWN TREE SNAKE CONTROL, INTERDICTION, RESEARCH AND ERADICATION.**

(a) **FUNDING AUTHORITY.**—Subject to the availability of appropriations to carry out this section, the Secretaries shall provide funds to support brown tree snake control, interdiction, research, and eradication efforts carried out by the Department of the Interior and the Department of Agriculture, other Federal agencies, States, territorial governments, local governments, and private sector entities. Funds may be provided through grants, contracts, reimbursable agreements, or other legal mechanisms available to the Secretaries for the transfer of Federal funds.

(b) **AUTHORIZED ACTIVITIES.**—Brown tree snake control, interdiction, research, and eradication efforts authorized by this section shall include at a minimum the following:

(1) Expansion of science-based eradication and control programs in Guam to reduce the undesirable impact of the brown tree snake in Guam and reduce the risk of the introduction or spread of any brown tree snake to areas in the United States and the Freely Associated States in which the brown tree snake is not established.

(2) Expansion of interagency and intergovernmental rapid response teams in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii, and the Freely Associated States to assist the governments of such areas with detecting the brown tree snake and incipient brown tree snake populations.

(3) Expansion of efforts to protect and restore native wildlife in Guam or elsewhere in the United States damaged by the brown tree snake.

(4) Establishment and sustained funding for an Animal Plant and Health Inspection Service, Wildlife Services, Operations Program State Office located in Hawaii dedicated to vertebrate pest management in Hawaii and United States Pacific territories and possessions. Concurrently, the Animal

Plant and Health Inspection Service, Wildlife Services Operations Program shall establish and sustain funding for a District Office in Guam dedicated to brown tree snake control and managed by the Hawaii State Office.

(5) Continuation, expansion, and provision of sustained research funding related to the brown tree snake, including research conducted at institutions located in areas affected by the brown tree snake.

(6) Continuation, expansion, and provision of sustained research funding for the Animal Plant and Health Inspection Service, Wildlife Services, National Wildlife Research Center of the Department of Agriculture related to the brown tree snake, including the establishment of a field station in Guam related to the control and eradication of the brown tree snake.

(7) Continuation, expansion, and provision of sustained research funding for the Fort Collins Science Center of the United States Geological Survey related to the brown tree snake, including the establishment of a field station in Guam related to the control and eradication of the brown tree snake.

(8) Expansion of long-term research into chemical, biological, and other control techniques that could lead to large-scale reduction of brown tree snake populations in Guam or other areas where the brown tree snake might become established.

(9) Expansion of short, medium, and long-term research, funded by all Federal agencies interested in or affected by the brown tree snake, into interdiction, detection, and early control of the brown tree snake.

(10) Provision of planning assistance for the construction or renovation of centralized multi-agency facilities in Guam to support Federal, State, and territorial brown tree snake control, interdiction, research and eradication efforts, including office space, laboratory space, animal holding facilities, and snake detector dog kennels.

(11) Provision of technical assistance to the Freely Associated States on matters related to the brown tree snake through the mechanisms contained within a Compact of Free Association dealing with environmental, quarantine, economic, and human health issues.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretaries to carry out this section (other than subsection (b)(10)) the following amounts:

(1) For activities conducted through the Animal and Plant Health Inspection Service, Wildlife Services, Operations, not more than \$2,600,000 for each of the fiscal years 2006 through 2010.

(2) For activities conducted through the Animal and Plant Health Inspection Service, Wildlife Services, National Wildlife Research Center, Methods Development, not more than \$1,500,000 for each of the fiscal years 2006 through 2010.

(3) For activities conducted through the Office of Insular Affairs, not more than \$3,000,000 for each of the fiscal years 2006 through 2010.

(4) For activities conducted through the Fish and Wildlife Service, not more than \$2,000,000 for each of the fiscal years 2006 through 2010.



(5) For activities conducted through the United States Geological Survey, Biological Resources, not more than \$1,500,000 for each of the fiscal years 2006 through 2010.

(d) **PLANNING ASSISTANCE.**—There is authorized to be appropriated to the Secretary of Agriculture and the Secretary of the Interior such amounts as may be required to carry out subsection (b)(10).

7 USC 8504.

**SEC. 5. ESTABLISHMENT OF QUARANTINE PROTOCOLS TO CONTROL THE INTRODUCTION AND SPREAD OF THE BROWN TREE SNAKE.**

Deadline.

(a) **ESTABLISHMENT OF QUARANTINE PROTOCOLS.**—Not later than two years after the date of the enactment of this Act, but subject to the memorandum of agreement required by subsection (b) with respect to Guam, the Secretaries shall establish and cause to be operated at Federal expense a system of pre-departure quarantine protocols for cargo and other items being shipped from Guam and any other United States location where the brown tree snake may become established to prevent the introduction or spread of the brown tree snake. The Secretaries shall establish the quarantine protocols system by regulation. Under the quarantine protocols system, Federal quarantine, natural resource, conservation, and law enforcement officers and inspectors may enforce State and territorial laws regarding the transportation, possession, or introduction of any brown tree snake.

Regulations.

(b) **COOPERATION AND CONSULTATION.**—The activities of the Secretaries under subsection (a) shall be carried out in cooperation with other Federal agencies and the appropriate State and territorial quarantine, natural resource, conservation, and law enforcement officers. In the case of Guam, as a precondition on the establishment of the system of pre-departure quarantine protocols under such subsection, the Secretaries shall enter into a memorandum of agreement with the Government of Guam to obtain the assistance and cooperation of the Government of Guam in establishing the system of pre-departure quarantine protocols.

Contracts.

(c) **IMPLEMENTATION.**—The system of pre-departure quarantine protocols to be established under subsection (a) shall not be implemented until funds are specifically appropriated for that purpose.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section the following amounts:

(1) To the Secretary of Agriculture, not more than \$3,000,000 for each of the fiscal years 2006 through 2010.

(2) To the Secretary of the Interior, not more than \$1,000,000 for each of the fiscal years 2006 through 2010.

7 USC 8505.

**SEC. 6. TREATMENT OF BROWN TREE SNAKES AS NONMAILABLE MATTER.**

A brown tree snake constitutes nonmailable matter under section 3015 of title 39, United States Code.

7 USC 8506.

**SEC. 7. ROLE OF BROWN TREE SNAKE TECHNICAL WORKING GROUP.**

(a) **PURPOSE.**—The Technical Working Group shall ensure that Federal, State, territorial, and local agency efforts concerning the brown tree snake are coordinated, effective, complementary, and cost-effective.

(b) **SPECIFIC DUTIES AND ACTIVITIES.**—The Technical Working Group shall be responsible for the following:

(1) The evaluation of Federal, State, and territorial activities, programs and policies that are likely to cause or promote the introduction or spread of the brown tree snake in the United States or the Freely Associated States and the preparation of recommendations for governmental actions to minimize the risk of introduction or further spread of the brown tree snake.

(2) The preparation of recommendations for activities, programs, and policies to reduce and eventually eradicate the brown tree snake in Guam or other areas within the United States where the snake may be established and the monitoring of the implementation of those activities, programs, and policies.

(3) Any revision of the Brown Tree Snake Control Plan, originally published in June 1996, which was prepared to coordinate Federal, State, territorial, and local government efforts to control, interdict, eradicate or conduct research on the brown tree snake.

(c) REPORTING REQUIREMENT.—

(1) REPORT.—Subject to the availability of appropriations for this purpose, the Technical Working Group shall prepare a report describing—

(A) the progress made toward a large-scale population reduction or eradication of the brown tree snake in Guam or other sites that are infested by the brown tree snake;

(B) the interdiction and other activities required to reduce the risk of introduction of the brown tree snake or other nonindigenous snake species in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii, American Samoa, and the Freely Associated States;

(C) the applied and basic research activities that will lead to improved brown tree snake control, interdiction and eradication efforts conducted by Federal, State, territorial, and local governments; and

(D) the programs and activities for brown tree snake control, interdiction, research and eradication that have been funded, implemented, and planned by Federal, State, territorial, and local governments.

(2) PRIORITIES.—The Technical Working Group shall include in the report a list of priorities, ranked in high, medium, and low categories, of Federal, State, territorial, and local efforts and programs in the following areas:

(A) Control.

(B) Interdiction.

(C) Research.

(D) Eradication.

(3) ASSESSMENTS.—Technical Working Group shall include in the report the following assessments:

(A) An assessment of current funding shortfalls and future funding needs to support Federal, State, territorial, and local government efforts to control, interdict, eradicate, or conduct research on the brown tree snake.

(B) An assessment of regulatory limitations that hinder Federal, State, territorial, and local government efforts to control, interdict, eradicate or conduct research on the brown tree snake.

(4) SUBMISSION.—Subject to the availability of appropriations for this purpose, the Technical Working Group shall

submit the report to Congress not later than one year after the date of the enactment of this Act.

(d) MEETINGS.—The Technical Working Group shall meet at least annually.

(e) INCLUSION OF GUAM.—The Secretaries shall ensure that adequate representation is afforded to the government of Guam in the Technical Working Group.

(f) SUPPORT.—To the maximum extent practicable, the Secretaries shall make adequate resources available to the Technical Working Group to ensure its efficient and effective operation. The Secretaries may provide staff to assist the Technical Working Group in carrying out its duties and functions.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to each of the Secretaries not more than \$450,000 for each of the fiscal years 2006 through 2010 to carry out this section.

7 USC 8507.

**SEC. 8. MISCELLANEOUS MATTERS.**

(a) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated under this Act shall remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this Act for a fiscal year, the Secretaries may expend not more than five percent to cover the administrative expenses necessary to carry out this Act.

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 3479:**

HOUSE REPORTS: No. 108-687, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 28, considered and passed House.

Oct. 10, considered and passed Senate.





Public Law 108-385  
108th Congress

An Act

To adjust the boundary of the John Muir National Historic Site, and for other purposes.

Oct. 30, 2004  
[H.R. 3706]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “John Muir National Historic Site Boundary Adjustment Act”.

John Muir  
National Historic  
Site Boundary  
Adjustment Act.  
16 USC 461 note.

SEC. 2. BOUNDARY ADJUSTMENT.

(a) BOUNDARY.—The boundary of the John Muir National Historic Site is adjusted to include the lands generally depicted on the map entitled “Boundary Map, John Muir National Historic Site” numbered PWR-OL 426-80,044a and dated August 2001.

(b) LAND ACQUISITION.—The Secretary of the Interior is authorized to acquire the lands and interests in lands identified as the “Boundary Adjustment Area” on the map referred to in subsection (a) by donation, purchase with donated or appropriated funds, exchange, or otherwise.

(c) ADMINISTRATION.—The lands and interests in lands described in subsection (b) shall be administered as part of the John Muir National Historic Site established by the Act of August 31, 1964 (78 Stat. 753; 16 U.S.C. 461 note).

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 3706:**

HOUSE REPORTS: No. 108-555 (Comm. on Resources).

SENATE REPORTS: No. 108-378 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 21, considered and passed House.

Oct. 10, considered and passed Senate.



Public Law 108-387  
108th Congress

An Act

Oct. 30, 2004  
[H.R. 3819]

To redesignate Fort Clatsop National Memorial as the Lewis and Clark National Historical Park, to include in the park sites in the State of Washington as well as the State of Oregon, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Lewis and Clark  
National  
Historical Park  
Designation Act.

16 USC 410kkk  
note.

16 USC 410kkk.

16 USC  
410kkk-1.

# **TITLE I—LEWIS AND CLARK NATIONAL HISTORICAL PARK DESIGNATION ACT**

## **SEC. 101. SHORT TITLE.**

This title may be cited as the “Lewis and Clark National Historical Park Designation Act”.

## **SEC. 102. DEFINITIONS.**

As used in this title:

(1) **PARK.**—The term “park” means the Lewis and Clark National Historical Park designated in section 103.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

## **SEC. 103. LEWIS AND CLARK NATIONAL HISTORICAL PARK.**

(a) **DESIGNATION.**—In order to preserve for the benefit of the people of the United States the historic, cultural, scenic, and natural resources associated with the arrival of the Lewis and Clark Expedition in the lower Columbia River area, and for the purpose of commemorating the culmination and the winter encampment of the Lewis and Clark Expedition in the winter of 1805-1806 following its successful crossing of the North American Continent, there is designated as a unit of the National Park System the Lewis and Clark National Historical Park.

(b) **BOUNDARIES.**—The boundaries of the park are those generally depicted on the map entitled “Lewis and Clark National Historical Park, Boundary Map”, numbered 405/80027, and dated December 2003, and which includes—

(1) lands located in Clatsop County, Oregon, which are associated with the winter encampment of the Lewis and Clark Expedition, known as Fort Clatsop and designated as the Fort Clatsop National Memorial by Public Law 85-435, including the site of the salt cairn (specifically, lot number 18, block 1, Cartwright Park Addition of Seaside, Oregon) used by that expedition and adjacent portions of the old trail which led overland from the fort to the coast;

(2) lands identified as “Fort Clatsop 2002 Addition Lands” on the map referred to in this subsection; and

(3) lands located along the lower Columbia River in the State of Washington associated with the arrival of the Lewis and Clark Expedition at the Pacific Ocean in 1805, which are identified as “Station Camp”, “Clark’s Dismal Nitch”, and “Cape Disappointment” on the map referred to in this subsection.

(c) ACQUISITION OF LAND.—

(1) AUTHORIZATION.—The Secretary is authorized to acquire land, interests in land, and improvements therein within the boundaries of the park, as identified on the map referred to in subsection (b), by donation, purchase with donated or appropriated funds, exchange, transfer from any Federal agency, or by such other means as the Secretary deems to be in the public interest.

(2) CONSENT OF LANDOWNER REQUIRED.—The lands authorized to be acquired under paragraph (1) (other than corporately owned timberlands within the area identified as “Fort Clatsop 2002 Addition Lands” on the map referred to in subsection (b)) may be acquired only with the consent of the owner.

(3) ACQUISITION OF FORT CLATSOP 2002 ADDITION LANDS.—If the owner of corporately owned timberlands within the area identified as “Fort Clatsop 2002 Addition Lands” on the map referred to in subsection (b) agrees to enter into a sale of such lands as a result of actual condemnation proceedings or in lieu of condemnation proceedings, the Secretary shall enter into a memorandum of understanding with the owner regarding the manner in which such lands shall be managed after acquisition by the United States.

Contracts.

(d) CAPE DISAPPOINTMENT.—

(1) TRANSFER.—Subject to valid rights (including withdrawals), the Secretary shall transfer to the Director of the National Park Service management of any Federal land at Cape Disappointment, Washington, that is within the boundary of the park.

(2) WITHDRAWN LAND.—

(A) NOTICE.—The head of any Federal agency that has administrative jurisdiction over withdrawn land at Cape Disappointment, Washington, within the boundary of the park shall notify the Secretary in writing if the head of the Federal agency does not need the withdrawn land.

(B) TRANSFER.—On receipt of a notice under subparagraph (A), the withdrawn land shall be transferred to the administrative jurisdiction of the Secretary, to be administered as part of the park.

(3) MEMORIAL TO THOMAS JEFFERSON.—All withdrawals of the 20-acre parcel depicted as a “Memorial to Thomas Jefferson” on the map referred to in subsection (b) are revoked, and the Secretary shall establish a memorial to Thomas Jefferson on the parcel.

(4) MANAGEMENT OF CAPE DISAPPOINTMENT STATE PARK LAND.—The Secretary may enter into an agreement with the State of Washington providing for the administration by the State of the land within the boundary of the park known as “Cape Disappointment State Park”.



(e) **MAP AVAILABILITY.**—The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC  
410kkk-2.

#### **SEC. 104. ADMINISTRATION.**

(a) **IN GENERAL.**—The park shall be administered by the Secretary in accordance with this title and with laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

Deadline.

(b) **MANAGEMENT PLAN.**—Not later than 3 years after funds are made available for this purpose, the Secretary shall prepare an amendment to the General Management Plan for Fort Clatsop National Memorial to guide the management of the park.

(c) **COOPERATIVE MANAGEMENT.**—In order to facilitate the presentation of a comprehensive picture of the Lewis and Clark Expedition's experiences in the lower Columbia River area and to promote more efficient administration of the sites associated with those experiences, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Washington and Oregon in accordance with the authority provided under section 3(l) of Public Law 91-383 (112 Stat. 3522; 16 U.S.C. 1a-2).

#### **SEC. 105. REPEAL OF SUPERSEDED LAW.**

(a) **IN GENERAL.**—Public Law 85-435 (72 Stat. 153; 16 U.S.C. 450mm et seq.), regarding the establishment and administration of Fort Clatsop National Memorial, is repealed.

16 USC  
450mm—  
450mm-3.  
16 USC  
410kkk-3.

(b) **REFERENCES.**—Any reference in any law (other than this title), regulation, document, record, map or other paper of the United States to "Fort Clatsop National Memorial" shall be considered a reference to the "Lewis and Clark National Historical Park".

16 USC  
410kkk-4.

#### **SEC. 106. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the park shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate the use of private land within the boundary of the park.

16 USC  
410kkk-5.

#### **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this title.

## TITLE II—LEWIS AND CLARK EASTERN LEGACY STUDY

### SEC. 201. DESIGNATION OF ADDITIONAL SITES FOR STUDY.

#### (a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall update, with an accompanying map, the 1958 Lewis and Clark National Historic Landmark theme study to determine the historical significance of the eastern sites of the Corps of Discovery expedition used by Meriwether Lewis and William Clark, whether independently or together, in the preparation phase starting at Monticello, Virginia, and traveling to Wood River, Illinois, and the return phase from Saint Louis, Missouri, to Washington, District of Columbia, including sites in Virginia, Washington, District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, and Illinois.

(2) FOCUS OF UPDATE; NOMINATION AND ADDITION OF PROPERTIES.—The focus of the study under paragraph (1) shall be on developing historic context information to assist in the evaluation and identification, including the use of plaques, of sites eligible for listing in the National Register of Historic Places or designation as a National Historic Landmark.

(b) REPORT.—Not later than 1 year after funds are made available for the study under this section, the Secretary shall submit to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate a report describing any findings, conclusions, and recommendations of the study.

### SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

Approved October 30, 2004.

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#### LEGISLATIVE HISTORY—H.R. 3819 (S. 2167):

HOUSE REPORTS: No. 108-570 (Comm. on Resources).

SENATE REPORTS: No. 108-322 accompanying S. 2167 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 19, considered and passed House.

Oct. 10, considered and passed Senate.



Public Law 108-389  
108th Congress

An Act

To provide for the conveyance of certain land to the United States and to revise the boundary of Chickasaw National Recreation Area, Oklahoma, and for other purposes.

Oct. 30, 2004

[H.R. 4066]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chickasaw National Recreation Area Land Exchange Act of 2004”.

Chickasaw  
National  
Recreation Area  
Land Exchange  
Act of 2004.  
16 USC 460hh  
note.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) By provision 64 of the agreement between the United States and the Choctaws and Chickasaws dated March 21, 1902 (32 Stat. 641, 655–56), approved July 1, 1902, 640 acres of property were ceded to the United States for the purpose of creating Sulphur Springs Reservation, later known as Platt National Park, to protect water and other resources and provide public access.

(2) In 1976, Platt National Park, the Arbuckle Recreation Area, and additional lands were combined to create Chickasaw National Recreation Area to protect and expand water and other resources as well as to memorialize the history and culture of the Chickasaw Nation.

(3) More recently, the Chickasaw Nation has expressed interest in establishing a cultural center inside or adjacent to the park.

(4) The Chickasaw National Recreation Area’s Final Amendment to the General Management Plan (1994) found that the best location for a proposed Chickasaw Nation Cultural Center is within the Recreation Area’s existing boundary and that the selected cultural center site should be conveyed to the Chickasaw Nation in exchange for land of equal value.

(5) The land selected to be conveyed to the Chickasaw Nation holds significant historical and cultural connections to the people of the Chickasaw Nation.

(6) The City of Sulphur, Oklahoma, is a key partner in this land exchange through its donation of land to the Chickasaw Nation for the purpose of exchange with the United States.

(7) The City of Sulphur, Oklahoma, has conveyed fee simple title to the non-Federal land described as Tract 102-26 to the Chickasaw Nation by Warranty Deed.

(8) The National Park Service, the Chickasaw Nation, and the City of Sulphur, Oklahoma, have signed a preliminary



agreement to effect a land exchange for the purpose of the construction of a cultural center.

(b) **PURPOSE.**—The purpose of this Act is to authorize, direct, facilitate, and expedite the land conveyance in accordance with the terms and conditions of this Act.

### SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) **FEDERAL LAND.**—The term “Federal land” means the Chickasaw National Recreational Area lands and interests therein, identified as Tract 102–25 on the Map.

(2) **NON-FEDERAL LAND.**—The term “non-Federal land” means the lands and interests therein, formerly owned by the City of Sulphur, Oklahoma, and currently owned by the Chickasaw Nation, located adjacent to the existing boundary of Chickasaw National Recreation Area and identified as Tract 102–26 on the Map.

(3) **MAP.**—The term “Map” means the map entitled “Proposed Land Exchange and Boundary Revision, Chickasaw National Recreation Area”, dated September 8, 2003, and numbered 107/800035a.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. CHICKASAW NATIONAL RECREATION AREA LAND CONVEYANCE.

Deadline.

(a) **LAND CONVEYANCE.**—Not later than 6 months after the Chickasaw Nation conveys all right, title, and interest in and to the non-Federal land to the United States, the Secretary shall convey all right, title, and interest in and to the Federal land to the Chickasaw Nation.

(b) **VALUATION OF LAND TO BE CONVEYED.**—The fair market values of the Federal land and non-Federal land shall be determined by an appraisal acceptable to the Secretary and the Chickasaw Nation. The appraisal shall conform with the Federal appraisal standards, as defined in the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference, 1992, and any amendments to these standards.

(c) **EQUALIZATION OF VALUES.**—If the fair market values of the Federal land and non-Federal land are not equal, the values may be equalized by the payment of a cash equalization payment by the Secretary or the Chickasaw Nation, as appropriate.

(d) **CONDITIONS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a), the conveyance of the non-Federal land authorized under subsection (a) shall not take place until the completion of all items included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, except as provided in paragraph (2).

(2) **EXCEPTION.**—The item included in the Preliminary Exchange Agreement among the City of Sulphur, the Chickasaw Nation, and the National Park Service, executed on July 16, 2002, providing for the Federal land to be taken into trust for the benefit of the Chickasaw Nation shall not apply.

(e) **ADMINISTRATION OF ACQUIRED LAND.**—Upon completion of the land exchange authorized under subsection (a), the Secretary—

- (1) shall revise the boundary of Chickasaw National Recreation Area to reflect that exchange; and
- (2) shall administer the land acquired by the United States in accordance with applicable laws and regulations.

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 4066 (S. 2374):**

**HOUSE REPORTS:** No. 108-702 (Comm. on Resources).

**SENATE REPORTS:** No. 108-369 accompanying S. 2374 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD**, Vol. 150 (2004):

Sept. 28, considered and passed House.

Oct. 10, considered and passed Senate.



Public Law 108-394  
108th Congress

An Act

To amend Public Law 86-434 establishing Wilson's Creek National Battlefield in the State of Missouri to expand the boundaries of the park, and for other purposes.

Oct. 30, 2004  
[H.R. 4481]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Wilson's Creek National Battlefield Boundary Adjustment Act of 2004".

**SEC. 2. EXPANSION OF BOUNDARIES, WILSON'S CREEK NATIONAL BATTLEFIELD, MISSOURI.**

(a) **BOUNDARY EXPANSION; PRIVATE PROPERTY PROTECTIONS.**—The first section of Public Law 86-434 (16 U.S.C. 430kk) is amended—

(1) by striking "That the Secretary" and inserting the following:

**"SECTION 1. WILSON'S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.**

**"(a) ESTABLISHMENT, INITIAL BOUNDARIES.**—The Secretary"; and

(2) by adding at the end the following new subsections:

**"(b) EXPANSION OF BOUNDARIES.**—(1) The boundaries of the Wilson's Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels '1, 2, 3, 4, 5, and 6' on the map entitled 'Wilson's Creek National Battlefield Proposed Boundary', numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**"(2)** The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.

**"(c) ACCESS TO PRIVATE PROPERTY.**—Nothing in this Act shall be construed to—

**"(1)** require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

**"(2)** modify any provision of Federal, State, or local law with regard to public access to or use of private property.

**"(d) LIABILITY.**—The revision of the boundaries of the Wilson's Creek National Battlefield by subsection (b) shall not be considered

Wilson's Creek  
National  
Battlefield  
Boundary  
Adjustment Act  
of 2004.  
16 USC 430kk  
note.



to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

“(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(f) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.

“(g) EFFECT OF EXPANSION.—The boundaries of the Wilson’s Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The boundary revision shall not be construed to provide any nonexistent regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of such Act (16 U.S.C. 430mm) is amended by adding at the end the following new sentence: “There are authorized to be appropriated such sums as may be necessary to carry out section 1(b).”.

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 4481 (S. 2432):**

HOUSE REPORTS: No. 108-651 (Comm. on Resources).

SENATE REPORTS: No. 108-371 accompanying S. 2432 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 13, considered and passed House.

Oct. 10, considered and passed Senate.

○

Public Law 108-396  
108th Congress

An Act

Oct. 30, 2004  
[H.R. 4579]

To modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes.

Truman Farm  
Home Expansion  
Act.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Truman Farm Home Expansion Act”.

**SEC. 2. HARRY S TRUMAN NATIONAL HISTORIC SITE BOUNDARY MODIFICATION.**

The first section of Public Law 98-32 (16 U.S.C. 461 note) is amended—

- (1) by redesignating subsection (d) as subsection (e); and
- (2) by inserting after subsection (c) the following:

“(d) ACQUISITION OF ADDITIONAL LAND.—

“(1) IN GENERAL.—The Secretary may acquire, by donation, purchase with donated or appropriated funds, transfer from another Federal agency, or any other means, the land described in paragraph (2) for inclusion in the Harry S Truman National Historic Site.

“(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of the approximately 5 acres of land (including the structure located south of the Truman Farm Home site), as generally depicted on the map entitled ‘Harry S Truman National Historic Site Proposed Boundary’, numbered 492/80,027, and dated April 17, 2003.

“(3) BOUNDARY MODIFICATION.—On acquisition of the land under this subsection, the Secretary shall modify the boundary of the Harry S Truman National Historic Site to reflect the acquisition of the land.”

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 4579:**

HOUSE REPORTS: No. 108-703 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 28, considered and passed House.

Oct. 10, considered and passed Senate.



Public Law 108-411  
108th Congress

An Act

To provide for reform relating to Federal employment, and for other purposes.

Oct. 30, 2004

[S. 129]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Federal  
Workforce  
Flexibility Act of  
2004.  
5 USC 101 note.

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Workforce Flexibility Act of 2004”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—REFORMS RELATING TO FEDERAL HUMAN CAPITAL  
MANAGEMENT**

Sec. 101. Recruitment, relocation, and retention bonuses.

Sec. 102. Streamlined critical pay authority.

**TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER  
DEVELOPMENT AND BENEFITS**

Sec. 201. Agency training.

Sec. 202. Annual leave enhancements.

Sec. 203. Compensatory time off for travel.

**TITLE III—PROVISIONS RELATING TO PAY ADMINISTRATION**

Sec. 301. Corrections relating to pay administration.

Sec. 302. Technical corrections.

**TITLE I—REFORMS RELATING TO FED-  
ERAL HUMAN CAPITAL MANAGEMENT**

**SEC. 101. RECRUITMENT, RELOCATION, AND RETENTION BONUSES.**

(a) **BONUSES.**—

(1) **IN GENERAL.**—Chapter 57 of title 5, United States Code, is amended by striking sections 5753 and 5754 and inserting the following:

**“§ 5753. Recruitment and relocation bonuses**

“(a)(1) This section may be applied to—

“(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

“(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

“(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—



“(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(B) a position in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a)); or

“(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(3) In this section, the term ‘employee’ has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a bonus under this section to an individual only if—

“(1) the position to which such individual is appointed (as described in paragraph (2)(A)) or to which such individual moves or must relocate (as described in paragraph (2)(B)) is likely to be difficult to fill in the absence of such a bonus; and

“(2) the individual—

“(A) is newly appointed as an employee of the Federal Government; or

“(B)(i) is currently employed by the Federal Government; and

“(ii)(I) moves to a new position in the same geographic area under circumstances described in regulations of the Office; or

“(II) must relocate to accept a position in a different geographic area.

Contracts.

“(c)(1) Payment of a bonus under this section shall be contingent upon the employee entering into a written service agreement to complete a period of employment with the agency, not longer than 4 years. The Office may, by regulation, prescribe a minimum service period for purposes of this section.

“(2)(A) The agreement shall include—

“(i) the commencement and termination dates of the required service period (or provisions for the determination thereof);

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(C) The required service period shall commence upon the commencement of service with the agency or movement to a new position or geographic area, as applicable, unless the service agreement provides for a later commencement date in circumstances and to the extent allowable under regulations of the Office, such as when there is an initial period of formal basic training.

“(d)(1) Except as provided in subsection (e), a bonus under this section shall not exceed 25 percent of the annual rate of

basic pay of the employee at the beginning of the service period multiplied by the number of years (including a fractional part of a year, as determined under regulations of the Office) in the required service period of the employee involved.

“(2) A bonus under this section may be paid as an initial lump sum, in installments, as a final lump sum upon the completion of the full period of service required by the agreement, or in a combination of these forms of payment.

“(3) A bonus under this section is not part of the basic pay of an employee for any purpose.

“(4) Under regulations of the Office, a recruitment bonus under this section may be paid to an eligible individual before that individual enters on duty.

“(e) The Office may authorize the head of an agency to waive the limitation under subsection (d)(1) based on a critical agency need, subject to regulations prescribed by the Office. Under such a waiver, the maximum bonus allowable shall—

“(1) be equal to the maximum that would be determined if subsection (d)(1) were applied by substituting ‘50’ for ‘25’; but

“(2) in no event exceed 100 percent of the annual rate of basic pay of the employee at the beginning of the service period.

Nothing in this subsection shall be considered to permit the waiver of any requirement under subsection (c).

“(f) The Office shall require that an agency establish a plan for the payment of recruitment bonuses before paying any such bonuses, and a plan for the payment of relocation bonuses before paying any such bonuses, subject to regulations prescribed by the Office.

“(g) The Office may prescribe regulations to carry out this section, including regulations relating to the repayment of a bonus under this section in appropriate circumstances when the agreed-upon service period has not been completed.

#### “§ 5754. Retention bonuses

“(a)(1) This section may be applied to—

“(A) employees covered by the General Schedule pay system established under subchapter III of chapter 53; and

“(B) employees in a category approved by the Office of Personnel Management at the request of the head of an Executive agency.

“(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

“(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

“(B) a position in the Senior Executive Service as a non-career appointee (as such term is defined under section 3132(a)); or

“(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

“(3) In this section, the term ‘employee’ has the meaning given that term in section 2105, except that such term also includes an employee described in subsection (c) of that section.

“(b) The Office of Personnel Management may authorize the head of an agency to pay a retention bonus to an employee if—

“(1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee’s services makes it essential to retain the employee; and

“(2) the agency determines that, in the absence of a retention bonus, the employee would be likely to leave—

“(A) the Federal service; or

“(B) for a different position in the Federal service under conditions described in regulations of the Office.

“(c) The Office may authorize the head of an agency to pay retention bonuses to a group of employees in 1 or more categories of positions in 1 or more geographic areas, subject to the requirements of subsection (b)(1) and regulations prescribed by the Office, if there is a high risk that a significant portion of employees in the group would be likely to leave in the absence of retention bonuses.

Contracts.

“(d)(1) Payment of a retention bonus is contingent upon the employee entering into a written service agreement with the agency to complete a period of employment with the agency.

“(2)(A) The agreement shall include—

“(i) the length of the required service period;

“(ii) the amount of the bonus;

“(iii) the method of payment; and

“(iv) other terms and conditions under which the bonus is payable, subject to the requirements of this section and regulations of the Office.

“(B) The terms and conditions for paying a bonus, as specified in the service agreement, shall include—

“(i) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed; and

“(ii) the effect of the termination.

“(3)(A) Notwithstanding paragraph (1), a written service agreement is not required if the agency pays a retention bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee with no portion of the bonus deferred.

Notices.

“(B) If an agency pays a retention bonus in accordance with subparagraph (A) and makes a determination to terminate the payments, the agency shall provide written notice to the employee of that determination. Except as provided in regulations of the Office, the employee shall continue to be paid the retention bonus through the end of the pay period in which such written notice is provided.

“(4) A retention bonus for an employee may not be based on any period of such service which is the basis for a recruitment or relocation bonus under section 5753.

“(e)(1) Except as provided in subsection (f), a retention bonus, which shall be stated as a percentage of the employee’s basic pay for the service period associated with the bonus, may not exceed—

“(A) 25 percent of the employee’s basic pay if paid under subsection (b); or

“(B) 10 percent of an employee’s basic pay if paid under subsection (c).

“(2)(A) A retention bonus may be paid to an employee in installments after completion of specified periods of service or in a single



lump sum at the end of the full period of service required by the agreement.

“(B) An installment payment is derived by multiplying the amount of basic pay earned in the installment period by a percentage not to exceed the bonus percentage rate established for the employee.

“(C) If the installment payment percentage established for the employee is less than the bonus percentage rate established for the employee, the accrued but unpaid portion of the bonus is payable as part of the final installment payment to the employee after completion of the full service period under the terms of the service agreement.

“(D) For purposes of this paragraph, the bonus percentage rate established for an employee means the bonus percentage rate established for such employee in accordance with paragraph (1) or subsection (f), as the case may be.

“(3) A retention bonus is not part of the basic pay of an employee for any purpose.

“(f) Upon the request of the head of an agency, the Office may waive the limit established under subsection (e)(1) and permit the agency head to pay an otherwise eligible employee or category of employees retention bonuses of up to 50 percent of basic pay, based on a critical agency need.

“(g) The Office shall require that, before paying any bonuses under this section, an agency shall establish a plan for the payment of any such bonuses, subject to regulations prescribed by the Office.

“(h) The Office may prescribe regulations to carry out this section.”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5754 and inserting the following: “5754. Retention bonuses.”

(3) SENSE OF CONGRESS.—It is the sense of the Congress that the Director of the Office of Personnel Management—

(A) should, each time a bonus is paid under the amendment made by paragraph (1) to recruit or relocate a Federal employee from one Government agency to another within the same geographic area or to retain a Federal employee who might otherwise leave one Government agency for another within the same geographic area, be notified of that payment within 60 days after the date on which such bonus is paid; and

(B) should monitor the payment of such bonuses (in the circumstances described in subparagraph (A)) to ensure that they are an effective use of the Federal Government's funds and have not adversely affected the ability of those Government agencies that lost employees to other Government agencies (in such circumstances) to carry out their mission.

(b) RELOCATION PAYMENTS.—Section 407 of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note; 104 Stat. 1467) is repealed.

(c) REPORTS.—

(1) RECRUITMENT AND RELOCATION BONUSES.—

(A) IN GENERAL.—The Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform

of the House of Representatives annually, for each of the first 5 years during which section 5753 of title 5, United States Code (as amended by subsection (a)(1)) is in effect, a report on the operation of such section.

(B) CONTENTS.—Each report submitted under this paragraph shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under the section of title 5, United States Code, referred to in subparagraph (A) was used by the respective agencies, including, with respect to each such agency and each type of bonus under such section—

(i) the number and dollar-amount of bonuses paid—

(I) to individuals holding positions within each pay grade, pay level, or other pay classification; and

(II) if applicable, to individuals who moved between positions that were in different agencies but the same geographic area (including the names of the agencies involved); and

(ii) a determination of the extent to which such bonuses furthered the purposes of such section.

(2) RETENTION BONUSES.—

(A) IN GENERAL.—The Office of Personnel Management shall submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives annually, for each of the first 5 years during which section 5754 of title 5, United States Code (as amended by subsection (a)(1)) is in effect, a report on the operation of such section.

(B) CONTENTS.—Each report submitted under this paragraph shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under the section of title 5, United States Code, referred to in subparagraph (A) was used by the respective agencies, including, with respect to each such agency—

(i) the number and dollar-amount of bonuses paid—

(I) to individuals holding positions within each pay grade, pay level, or other pay classification; and

(II) if applicable, to prevent individuals from moving between positions that were in different agencies but the same geographic area (including the names of the agencies involved); and

(ii) a determination of the extent to which such bonuses furthered the purposes of such section.

5 USC 5753 note.

(d) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—Except as provided under paragraphs (2) and (3), this section shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act.

(2) APPLICATION TO AGREEMENTS.—A recruitment or relocation bonus service agreement that was authorized under section 5753 of title 5, United States Code, before the effective date under paragraph (1) shall continue, until its expiration, to

be subject to such section as in effect on the day before such effective date.

(3) APPLICATION TO ALLOWANCES.—Payment of a retention allowance that was authorized under section 5754 of title 5, United States Code, before the effective date under paragraph (1) shall continue, subject to such section as in effect on the day before such effective date, until the retention allowance is reauthorized or terminated (but no longer than 1 year after such effective date).

#### SEC. 102. STREAMLINED CRITICAL PAY AUTHORITY.

Section 5377 of title 5, United States Code, is amended—

(1) by striking “Office of Personnel Management” each place it appears and inserting “Office of Management and Budget”;

(2) by striking “Office of Management and Budget” each place it appears and inserting “Office of Personnel Management”;

(3) in subsection (g), by striking “prescribing regulations under this section or”; and

(4) in subsection (h), by striking “Committee on Post Office and Civil Service” and inserting “Committee on Government Reform”.

## TITLE II—REFORMS RELATING TO FEDERAL EMPLOYEE CAREER DEVELOPMENT AND BENEFITS

#### SEC. 201. AGENCY TRAINING.

(a) TRAINING TO ACCOMPLISH PERFORMANCE PLANS AND STRATEGIC GOALS.—Section 4103 of title 5, United States Code, is amended by adding at the end the following:

“(c) The head of each agency shall, on a regular basis—

“(1) evaluate each program or plan established, operated, or maintained under subsection (a) with respect to accomplishing specific performance plans and strategic goals in performing the agency mission; and

“(2) modify such program or plan as needed to accomplish such plans and goals.”.

(b) SPECIFIC TRAINING PROGRAMS.—

(1) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended by adding after section 4120 the following:

#### “§ 4121. Specific training programs

“In consultation with the Office of Personnel Management, the head of each agency shall establish—

“(1) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

“(2) a program to provide training to managers on actions, options, and strategies a manager may use in—

“(A) relating to employees with unacceptable performance;

“(B) mentoring employees and improving employee performance and productivity; and

“(C) conducting employee performance appraisals.”.



(2) CLERICAL AMENDMENT.—The table of sections for chapter 41 of title 5, United States Code, is amended by adding at the end the following:

“4121. Specific training programs.”.

**SEC. 202. ANNUAL LEAVE ENHANCEMENTS.**

(a) CREDITABILITY OF PRIOR NONGOVERNMENTAL SERVICE FOR PURPOSES OF DETERMINING RATE OF LEAVE ACCRUAL.—

(1) IN GENERAL.—Section 6303 of title 5, United States Code, is amended by adding at the end the following:

Deadline.  
Regulations.

“(e)(1) Not later than 180 days after the date of the enactment of this subsection, the Office of Personnel Management shall prescribe regulations under which, for purposes of determining years of service under subsection (a), credit shall, in the case of a newly appointed employee, be given for any prior service of such employee that would not otherwise be creditable for such purposes, if—

“(A) such service—

“(i) was performed in a position the duties of which directly relate to the duties of the position to which such employee is so appointed; and

“(ii) meets such other requirements as the Office may prescribe; and

“(B) in the judgment of the head of the appointing agency, the application of this subsection is necessary in order to achieve an important agency mission or performance goal.

“(2) Service described in paragraph (1)—

“(A) shall be creditable, for the purposes described in paragraph (1), as of the effective date of the employee’s appointment; and

“(B) shall not thereafter cease to be so creditable, unless the employee fails to complete a full year of continuous service with the agency.

“(3) An employee shall not be eligible for the application of paragraph (1) on the basis of any appointment if, within 90 days before the effective date of such appointment, such employee has held any position in the civil service.”.

(2) CONFORMING AMENDMENT.—The second sentence of section 6303(a) of title 5, United States Code, is amended by striking the period and inserting “, and for all service which is creditable by virtue of subsection (e).”.

(b) OTHER ANNUAL LEAVE ENHANCEMENTS.—Section 6303 of title 5, United States Code, is amended by adding after subsection (e) (as added by subsection (a)) the following:

“(f) Notwithstanding any other provision of this section, the rate of accrual of annual leave under subsection (a) shall be 1 day for each full biweekly pay period in the case of any employee who holds a position which is subject to—

“(1) section 5376 or 5383; or

“(2) a pay system equivalent to either of the foregoing, as determined by the Office of Personnel Management.”.

5 USC 6303 note.

(c) APPLICABILITY.—None of the amendments made by subsection (a) shall apply in the case of any employee holding a position pursuant to an appointment made before the effective date of the regulations implementing such amendments.

**SEC. 203. COMPENSATORY TIME OFF FOR TRAVEL.**

(a) **IN GENERAL.**—Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at end the following:

**“§ 5550b. Compensatory time off for travel**

“(a) Notwithstanding section 5542(b)(2), each hour spent by an employee in travel status away from the official duty station of the employee, that is not otherwise compensable, shall be treated as an hour of work or employment for purposes of calculating compensatory time off.

“(b) An employee who has any hours treated as hours of work or employment for purposes of calculating compensatory time under subsection (a), shall not be entitled to payment for any such hours that are unused as compensatory time.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5550a the following:

“5550b. Compensatory time off for travel.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the earlier of—

5 USC 5550b  
note.

(1) the effective date of any regulations prescribed to carry out such amendments; or

(2) the 90th day after the date of the enactment of this Act.

## **TITLE III—PROVISIONS RELATING TO PAY ADMINISTRATION**

**SEC. 301. CORRECTIONS RELATING TO PAY ADMINISTRATION.**

(a) **IN GENERAL.**—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5302, by striking paragraph (8) and inserting the following:

“(8) the term ‘rates of pay under the General Schedule’, ‘rates of pay for the General Schedule’, or ‘scheduled rates of basic pay’ means the rates of basic pay under the General Schedule as established by section 5332, excluding pay under section 5304 and any other additional pay of any kind; and”;

(2) in section 5305—

(A) by striking subsection (a) and inserting the following:

“(a)(1) Whenever the Office of Personnel Management finds that the Government’s recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are, or are likely to become, significantly handicapped due to any of the circumstances described in subsection (b), the Office may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all rates of the pay range for each such grade or level. However, a minimum rate so established may not exceed the maximum rate of basic pay (excluding any locality-based comparability payment under section 5304 or similar provision of law) for the grade or level by

more than 30 percent, and no rate may be established under this section in excess of the rate of basic pay payable for level IV of the Executive Schedule. In the case of individuals not subject to the provisions of this title governing appointment in the competitive service, the President may designate another agency to authorize special rates under this section.

Notification.

Effective date.

“(2) The head of an agency may determine that a category of employees of the agency will not be covered by a special rate authorization established under this section. The head of an agency shall provide written notice to the Office of Personnel Management (or other agency designated by the President to authorize special rates under the last sentence of paragraph (1)) which identifies the specific category or categories of employees that will not be covered by special rates authorized under this section. If the head of an agency removes a category of employees from coverage under a special rate authorization after that authorization takes effect, the loss of coverage will take effect on the first day of the first pay period after the date of the notice.”;

(B) in subsection (b), by striking paragraph (4) and inserting the following:

“(4) any other circumstances which the Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate) considers appropriate.”;

(C) in subsection (d)—

(i) by striking “President” and inserting “Office of Personnel Management”; and

(ii) by striking “or by such agency as he may designate” and inserting “(or by such other agency as the President may designate under the last sentence of subsection (a)(1))”;

(D) in subsection (e), by striking “basic pay” and inserting “pay”;

(E) by striking subsection (f) and inserting the following:

“(f) When a schedule of special rates established under this section is adjusted under subsection (d), a covered employee’s special rate will be adjusted in accordance with conversion rules prescribed by the Office of Personnel Management (or by such other agency as the President may under the last sentence of subsection (a)(1) designate).”;

(F) in subsection (g)(1)—

(i) by striking “basic pay” and inserting “pay”; and

(ii) by striking “President (or his designated agency)” and inserting “Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate)”;

(G) by striking subsection (h) and inserting the following:

“(h) An employee shall not for any purpose be considered to be entitled to a rate of pay established under this section with respect to any period for which such employee is entitled to a higher rate of basic pay under any other provision of law. For purposes of this subsection, the term ‘basic pay’ includes any applicable locality-based comparability payment under section 5304 or similar provision of law.”; and



(H) by adding at the end the following:

“(i) If an employee who is receiving a rate of pay under this section becomes subject, by virtue of moving to a new official duty station, to a different pay schedule, such employee’s new rate of pay shall be initially established under conversion rules prescribed by the Office of Personnel Management (or such other agency as the President may under the last sentence of subsection (a)(1) designate) in conformance with the following:

“(1) First, determine the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the rate range) before the move.

“(2) Then, if (in addition to the change in pay schedule) the move also involves any personnel action or other change requiring a rate adjustment under any other provision of law, rule, or regulation, apply the applicable rate adjustment provisions, treating the rate determined under paragraph (1) as if it were the rate last received by the employee before the rate adjustment.

“(j) A rate determined under a schedule of special rates established under this section shall be considered to be part of basic pay for purposes of subchapter III of chapter 83, chapter 84, chapter 87, subchapter V of chapter 55, and section 5941, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe.”;

(3) in section 5334—

(A) in subsection (b), by adding at the end the following: “If an employee’s rate after promotion or transfer is greater than the maximum rate of basic pay for the employee’s grade, that rate shall be treated as a retained rate under section 5363. The Office of Personnel Management shall prescribe by regulation the circumstances under which and the extent to which special rates under section 5305 (or similar provision of law) or locality-adjusted rates under section 5304 (or similar provision of law) are considered to be basic pay in applying this subsection.”; and

Regulations.

(B) by adding at the end the following:

“(g) In the case of an employee who—

“(1) moves to a new official duty station, and

“(2) by virtue of such move, becomes subject to a different pay schedule,

any rate adjustment under the preceding provisions of this section, with respect to such employee in connection with such move, shall be made—

“(A) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the rate range) before the move, and

“(B) then, by applying the provisions of this section that would otherwise apply (if any), treating the rate determined under subparagraph (A) as if it were the rate last received by the employee before the rate adjustment.”;

(4) in section 5361—

(A) by amending paragraph (4) to read as follows:

“(4) ‘rate of basic pay’ means—

“(A) the rate of basic pay payable to an employee under law or regulations before any deductions or additions of any kind, but including—

“(i) any applicable locality-based comparability payment under section 5304 or similar provision of law;

“(ii) any applicable special pay under section 5305 or similar provision of law; and

“(iii) subject to such regulations as the Office of Personnel Management may prescribe, any applicable existing retained rate of pay established under section 5363 or similar provision of law; and

“(B) in the case of a prevailing rate employee, the scheduled rate of pay determined under section 5343;”;

(B) in paragraph (6), by striking “and” at the end;

(C) in paragraph (7), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(8) ‘retained rate’ means the rate of basic pay to which an employee is entitled under section 5363(b)(2).”;

(5) in section 5363—

(A) in subsection (a), by striking the matter following paragraph (4) and inserting the following:

“is entitled to a rate of basic pay in accordance with regulations prescribed by the Office of Personnel Management in conformity with the provisions of this section.”; and

(B) by striking subsections (b) and (c) and inserting the following:

“(b)(1)(A) If, as a result of any event described in subsection (a), the employee’s former rate of basic pay is less than or equal to the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, the employee is entitled to basic pay at the lowest rate of basic pay payable for such grade that equals or exceeds such former rate of basic pay.

“(B) This section shall cease to apply to an employee to whom subparagraph (A) applies once the appropriate rate of basic pay has been determined for such employee under this paragraph.

“(2)(A) If, as a result of any event described in subsection (a), the employee’s former rate of basic pay is greater than the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, the employee is entitled to basic pay at a rate equal to the lesser of—

“(i) the employee’s former rate of basic pay; or

“(ii) 150 percent of the maximum rate of basic pay payable for the grade of the employee’s position immediately after the occurrence of the event involved, as adjusted by subparagraph (B).

“(B) A rate to which an employee is entitled under this paragraph shall be increased at the time of any increase in the maximum rate of basic pay payable for the grade of the employee’s position by 50 percent of the dollar amount of each such increase.

“(3) For purposes of this subsection, the term ‘former rate of basic pay’, as used with respect to an employee in connection with an event described in subsection (a), means the rate of basic pay last received by such employee before the occurrence of such event.

“(c)(1) Notwithstanding any other provision of this section, in the case of an employee who—

“(A) moves to a new official duty station, and

“(B) in conjunction with such move, becomes subject to both a different pay schedule and (disregarding this subsection) the preceding provisions of this section, this section shall be applied—

“(i) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee’s position, grade, and step (or relative position in the pay range) before the move, and

“(ii) then, by applying the provisions of this section that would apply (if any), treating the rate determined under clause (i) as if it were the rate last received by the employee before the application of this section.

“(2) A reduction in an employee’s rate of basic pay resulting from a determination under paragraph (1)(ii) is not a basis for an entitlement under this section.

“(3) The rate of basic pay for an employee who is receiving a retained rate at the time of moving to a new official duty station at which different pay schedules apply shall be subject to regulations prescribed by the Office of Personnel Management consistent with the purposes of this section.

“(d) A retained rate shall be considered part of basic pay for purposes of this subchapter and for purposes of subchapter III of chapter 83, chapters 84 and 87, subchapter V of chapter 55, section 5941, and for such other purposes as may be expressly provided for by law or as the Office of Personnel Management may by regulation prescribe. The Office shall, for any purpose other than any of the purposes referred to in the preceding sentence, prescribe by regulation what constitutes basic pay for employees receiving a retained rate.

Regulations.

“(e) This section shall not apply, or shall cease to apply, to an employee who—

“(1) has a break in service of 1 workday or more;

“(2) is entitled, by operation of this subchapter, chapter 51 or 53, or any other provision of law, to a rate of basic pay which is equal to or higher than, or declines a reasonable offer of a position the rate of basic pay for which is equal to or higher than, the retained rate to which the employee would otherwise be entitled; or

“(3) is demoted for personal cause or at the employee’s request.”; and

(6) in section 5365(b), by inserting after “provisions of this subchapter” the following: “(subject to any conditions or limitations the Office may establish)”.

(b) SPECIAL RATES FOR LAW ENFORCEMENT OFFICERS.—Section 403(c) of the Federal Employees Pay Comparability Act of 1990 (5 U.S.C. 5305 note) is amended by striking all after “provision of law)” and inserting “and shall be basic pay for all purposes. The rates shall be adjusted at the time of adjustments in the General Schedule to maintain the step linkage set forth in subsection (b)(2).”.

(c) REPEAL.—Section 4505a(a)(2) of title 5, United States Code, is amended—

(1) by striking “(2)(A)” and inserting “(2)”; and

(2) by striking subparagraph (B).

(d) EFFECTIVE DATE; CONVERSION RULES.—

5 USC 5363 note.



(1) **EFFECTIVE DATE.**—This section shall take effect on the first day of the first applicable pay period beginning on or after the 180th day after the date of the enactment of this Act.

(2) **CONVERSION RULES.**—

(A) **INDIVIDUALS RECEIVING A RETAINED RATE OR A RATE GREATER THAN THE MAXIMUM RATE FOR THE GRADE.**—Subject to any regulations the Office of Personnel Management may prescribe, an employee under a covered pay schedule who, on the day before the effective date of this section, is receiving a retained rate under section 5363 of title 5, United States Code, or is receiving under similar authority a rate of basic pay that is greater than the maximum rate of basic pay payable for the grade of the employee's position shall have that rate converted as of the effective date of this section, and the employee shall be considered to be receiving a retained rate under section 5363 of such title (as amended by this section). The newly applicable retained rate shall equal the formerly applicable retained rate as adjusted to include any applicable locality-based payment under section 5304 of title 5, United States Code, or similar provision of law.

(B) **DEFINITION.**—For purposes of this paragraph, the term “covered pay schedule” has the meaning given such term by section 5361 of title 5, United States Code.

#### SEC. 302. TECHNICAL CORRECTIONS.

(a)(1) Section 5304 of title 5, United States Code, as amended by section 1125 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), is amended—

(A) in subsection (g)(2)(A), by striking “(A)–(D)” and inserting “(A)–(C)”; and

(B) in subsection (h)(2)(B)(i), by striking “or (vii)” and inserting “or (vi)”.

(2) The amendments made by this subsection shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

Effective date.  
5 USC 5304 note.

(b) Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Administrator of the Office of Electronic Government.”.

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—S. 129:**

HOUSE REPORTS: No. 108-733 (Comm. on Government Reform).  
SENATE REPORTS: No. 108-223 (Comm. on Governmental Affairs).  
CONGRESSIONAL RECORD, Vol. 150 (2004):  
Apr. 8, considered and passed Senate.  
Oct. 6, considered and passed House, amended.  
Oct. 11, Senate concurred in House amendment.



Public Law 108-412  
108th Congress

An Act

Oct. 30, 2004  
[S. 144]

To require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious weeds on public and private land.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. NOXIOUS WEED CONTROL AND ERADICATION.

The Plant Protection Act (7 U.S.C. 7701 et seq.) is amended by adding at the end the following new subtitle:

**“Subtitle E—Noxious Weed Control and  
Eradication**

Noxious Weed  
Control and  
Eradication Act  
of 2004.

7 USC 7701 note.

**“SEC. 451. SHORT TITLE.**

“This subtitle may be cited as the ‘Noxious Weed Control and Eradication Act of 2004’.

7 USC 7781.

**“SEC. 452. DEFINITIONS.**

“In this subtitle:

“(1) **INDIAN TRIBE.**—The term ‘Indian Tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) **WEED MANAGEMENT ENTITY.**—The term ‘weed management entity’ means an entity that—

“(A) is recognized by the State in which it is established;

“(B) is established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds;

“(C) may be multijurisdictional and multidisciplinary in nature;

“(D) may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts; and

“(E) has existing authority to perform land management activities on Federal land if the proposed project or activity is on Federal lands.



“(3) **FEDERAL LANDS.**—The term ‘Federal lands’ means those lands owned and managed by the United States Forest Service or the Bureau of Land Management.

**“SEC. 453. ESTABLISHMENT OF PROGRAM.**

7 USC 7782.

“(a) **IN GENERAL.**—The Secretary shall establish a program to provide financial and technical assistance to control or eradicate noxious weeds.

“(b) **GRANTS.**—Subject to the availability of appropriations under section 457(a), the Secretary shall make grants under section 454 to weed management entities for the control or eradication of noxious weeds.

“(c) **AGREEMENTS.**—Subject to the availability of appropriations under section 457(b), the Secretary shall enter into agreements under section 455 with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

**“SEC. 454. GRANTS TO WEED MANAGEMENT ENTITIES.**

7 USC 7783.

“(a) **CONSULTATION AND CONSENT.**—In carrying out a grant under this subtitle, the weed management entity and the Secretary shall—

“(1) if the activities funded under the grant will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) **GRANT CONSIDERATIONS.**—In determining the amount of a grant to a weed management entity, the Secretary shall consider—

“(1) the severity or potential severity of the noxious weed problem;

“(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the noxious weed problem;

“(3) the extent to which the weed management entity has made progress in addressing the noxious weeds problem; and

“(4) other factors that the Secretary determines to be relevant.

“(c) **USE OF GRANT FUNDS; COST SHARES.**—

“(1) **USE OF GRANTS.**—A weed management entity that receives a grant under subsection (a) shall use the grant funds to carry out a project authorized by subsection (d) for the control or eradication of a noxious weed.

“(2) **COST SHARES.**—

“(A) **FEDERAL COST SHARE.**—The Federal share of the cost of carrying out an authorized project under this section exclusively on non-Federal land shall not exceed 50 percent.

“(B) **FORM OF NON-FEDERAL COST SHARE.**—The non-Federal share of the cost of carrying out an authorized project under this section may be provided in cash or in kind.

“(d) **AUTHORIZED PROJECTS.**—Projects funded by grants under this section include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

## Regulations.

“(2) Other activities to control or eradicate noxious weeds or promote control or eradication of noxious weeds.

“(e) APPLICATION.—To be eligible to receive assistance under this section, a weed management entity shall prepare and submit to the Secretary an application containing such information as the Secretary shall by regulation require.

“(f) SELECTION OF PROJECTS.—Projects funded under this section shall be selected by the Secretary on a competitive basis, taking into consideration the following:

“(1) The severity of the noxious weed problem or potential problem addressed by the project.

“(2) The likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the Federal funds will leverage non-Federal funds to address the noxious weed problem addressed by the project.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the weed management entity has made progress in addressing noxious weed problems.

“(6) The extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds.

“(7) The extent to which the project will reduce the total population of noxious weeds.

“(8) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(9) Other factors that the Secretary determines to be relevant.

“(g) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which projects receive funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to projects that maximize the involvement of State, local and, where applicable, Indian Tribe governments.

“(h) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to States with approved weed management entities established by Indian Tribes and may provide an additional allocation to a State to meet the particular needs and projects that the weed management entity plans to address.

## 7 USC 7784.

## “SEC. 455. AGREEMENTS.

“(a) CONSULTATION AND CONSENT.—In carrying out an agreement under this section, the Secretary shall—

“(1) if the activities funded under the agreement will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

“(2) obtain the written consent of the non-Federal landowner.

“(b) APPLICATION OF OTHER LAWS.—The Secretary may enter into agreements under this section with weed management entities notwithstanding sections 6301 through 6309 of title 31, United

States Code, and other laws relating to the procurement of goods and services for the Federal Government.

“(c) **ELIGIBLE ACTIVITIES.**—Activities carried out under an agreement under this section may include the following:

“(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

“(2) Other activities to control or eradicate noxious weeds.

“(d) **SELECTION OF ACTIVITIES.**—Activities funded under this section shall be selected by the Secretary taking into consideration the following:

“(1) The severity of the noxious weeds problem or potential problem addressed by the activities.

“(2) The likelihood that the activity will prevent or resolve the problem, or increase knowledge about resolving similar problems.

“(3) The extent to which the activity will provide a comprehensive approach to the control or eradication of noxious weeds.

“(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

“(5) The extent to which the project promotes cooperation and participation between States that have common interests in controlling and eradicating noxious weeds.

“(6) Other factors that the Secretary determines to be relevant.

“(e) **REGIONAL, STATE, AND LOCAL INVOLVEMENT.**—In determining which activities receive funding under this section, the Secretary shall, to the maximum extent practicable—

“(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

“(2) give priority to activities that maximize the involvement of State, local, and, where applicable, representatives of Indian Tribe governments.

“(f) **RAPID RESPONSE PROGRAM.**—At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

“(1) there is a demonstrated need for the assistance;

“(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

“(3) the economic impact of delaying action is considered by the Secretary to be substantial; and

“(4) the proposed response to such threat—

“(A) is technically feasible;

“(B) economically responsible; and

“(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.



7 USC 7785.

**“SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.**

“Funds under this Act (other than those made available for section 455(f)) are intended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 455(f)) shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code.

7 USC 7786.

**“SEC. 457. AUTHORIZATION OF APPROPRIATIONS.**

“(a) GRANTS.—To carry out section 454, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs.

“(b) AGREEMENTS.—To carry out section 455 of this subtitle, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.”.

**SEC. 2. TECHNICAL AMENDMENT.**

7 USC 1501 note.

The table of sections in section 1(b) of the Agricultural Risk Protection Act of 2000 is amended by inserting after the item relating to section 442 the following:

**“Subtitle E—Noxious Weed Control and Eradication**

“Sec. 451. Short title.

“Sec. 452. Definitions.

“Sec. 453. Establishment of program.

“Sec. 454. Grants to weed management entities.

“Sec. 455. Agreements.

“Sec. 456. Relationship to other programs.

“Sec. 457. Authorization of Appropriations.”.

Approved October 30, 2004.

**LEGISLATIVE HISTORY—S. 144:**

HOUSE REPORTS: No. 108-517, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 108-6 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Mar. 4, considered and passed Senate.

Vol. 150 (2004): Oct. 4, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.



Public Law 108-413  
108th Congress

An Act

To authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes.

Oct. 30, 2004

[S. 643]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Hibben Center Act”.

Hibben Center  
Act.  
16 USC 410ii  
note.

**SEC. 2. LEASE AGREEMENT.**

(a) **AUTHORIZATION.**—The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.

(b) **TERM; RENT.**—The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.

(c) **IMPROVEMENTS.**—The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.

**SEC. 3. GRANT.**

Upon execution of the lease, the Secretary may contribute to the University of New Mexico:

- (1) up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000; and
- (2) the cost of improvements, not to exceed \$2,488,000.

**SEC. 4. COOPERATIVE AGREEMENT.**

The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.

16 USC 410ii  
note.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.

Approved October 30, 2004.

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**LEGISLATIVE HISTORY—S. 643 (H.R. 3258):**

**HOUSE REPORTS:** No. 108-743 accompanying H.R. 3258 (Comm. on Resources).

**SENATE REPORTS:** No. 108-94 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): July 17, considered and passed Senate.

Vol. 150 (2004): Sept. 28, considered and passed House, amended.

Oct. 10, Senate concurred in House amendment.

○



Public Law 108-417  
108th Congress

An Act

To authorize an exchange of land at Fort Frederica National Monument, and for other purposes.

Nov. 30, 2004  
[H.R. 1113]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCHANGE OF LANDS.**

16 USC 433g  
note.

(a) **IN GENERAL.**—Notwithstanding section 5(b) of Public Law 90-401 (16 U.S.C. 4601-22(b)), the Secretary of the Interior is authorized to convey to Christ Church of St. Simons Island, Georgia, the approximately 6.0 acres of land within the boundary of Fort Frederica National Monument adjacent to Christ Church and depicted as “NPS Lands for Exchange” on the map entitled “Fort Frederica National Monument 2003 Boundary Revision” numbered 369/80016, and dated April 2003, in exchange for approximately 8.7 acres of land to be acquired by Christ Church, which is depicted as “Private Lands for Addition” on the same map.

(b) **MAP AVAILABILITY.**—The map referred to in subsection (a) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**SEC. 2. BOUNDARY ADJUSTMENT.**

16 USC 433g  
note.

Upon completion of the land exchange under subsection (a) of section 1, the Secretary of the Interior shall revise the boundary of Fort Frederica National Monument to reflect the exchange and shall administer the land acquired through the exchange as part of that monument.

Approved November 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 1113:**

HOUSE REPORTS: No. 108-201 (Comm. on Resources).

SENATE REPORTS: No. 108-374 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Sept. 23, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.



Public Law 108-420  
108th Congress

An Act

Nov. 30, 2004

[H.R. 1446]

California  
Missions  
Preservation Act.

To support the efforts of the California Missions Foundation to restore and repair the Spanish colonial and mission-era missions in the State of California and to preserve the artworks and artifacts of these missions, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “California Missions Preservation Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **CALIFORNIA MISSION.**—The term “California mission” means each of the 21 historic Spanish missions and one *asistencia* that—

(A) are located in the State;

(B) were built between 1769 and 1798; and

(C) are designated as California Registered Historic Landmarks.

(2) **FOUNDATION.**—The term “Foundation” means the California Missions Foundation, a nonsectarian charitable corporation that—

(A) was established in the State in 1998 to fund the restoration and repair of the California missions; and

(B) is operated exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of California.

**SEC. 3. COOPERATIVE AGREEMENTS.**

(a) **IN GENERAL.**—The Secretary may enter into a cooperative agreement with the Foundation to provide technical and financial assistance to the Foundation to restore and repair—

(1) the California missions; and

(2) the artwork and artifacts associated with the California missions.

(b) **FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—The cooperative agreement may authorize the Secretary to make grants to the Foundation to carry out the purposes described in subsection (a).

(2) **ELIGIBILITY.**—To be eligible to receive a grant or other form of financial assistance under this Act, a California mission must be listed on the National Register of Historic Places.

(3) **APPLICATION.**—To receive a grant or other form of financial assistance under this Act, the Foundation shall submit to the Secretary an application that—

(A) includes a status report on the condition of the infrastructure and associated artifacts of each of the California missions for which the Foundation is seeking financial assistance; and

Reports.

(B) describes a comprehensive program for the restoration, repair, and preservation of the infrastructure and artifacts referred to in subparagraph (A), including—

(i) a description of the prioritized preservation activities to be conducted over a 5-year period; and

(ii) an estimate of the costs of the preservation activities.

(4) **APPLICABLE LAW.**—Consistent with section 101(e)(4) of the National Historic Preservation Act (16 U.S.C. 470a(e)(4)), the Secretary shall ensure that the purpose of any grant or other financial assistance provided by the Secretary to the Foundation under this Act—

(A) is secular;

(B) does not promote religion; and

(C) seeks to protect qualities that are historically significant.

(c) **REVIEW AND DETERMINATION.**—

Contracts.

(1) **IN GENERAL.**—The Secretary shall submit a proposed agreement to the Attorney General for review.

(2) **DETERMINATION.**—A cooperative agreement entered into under subsection (a) shall not take effect until the Attorney General issues a finding that the proposed agreement submitted under paragraph (1) does not violate the establishment clause of the first amendment of the Constitution.

(d) **REPORT.**—As a condition of receiving financial assistance under this Act, the Foundation shall annually submit to the Secretary and to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the status of the preservation activities carried out using amounts made available under this Act.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000 for the period of fiscal years 2004 through 2009.

(b) **MATCHING REQUIREMENT.**—Any amounts made available to carry out this Act shall be matched on not less than a 1-to-1 basis by the Foundation.

(c) **OTHER AMOUNTS.**—Any amounts made available to carry out this Act shall be in addition to any amounts made available



for preservation activities in the State under the National Historic Preservation Act (16 U.S.C. 470 et seq.).

Approved November 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 1446:**

**SENATE REPORTS:** No. 108-375 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Oct. 20, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.



Public Law 108-421  
108th Congress

An Act

To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region, and for other purposes.

Nov. 30, 2004  
[H.R. 1964]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Highlands  
Conservation  
Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Highlands Conservation Act”.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States;

(2) to authorize the Secretary of the Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation land in the Highlands region; and

(3) to continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

SEC. 3. DEFINITIONS.

In this Act:

(1) **HIGHLANDS REGION.**—The term “Highlands region” means the area depicted on the map entitled “The Highlands Region”, dated June 2004, including the list of municipalities included in the Highlands region, and maintained in the headquarters of the Forest Service in Washington, District of Columbia.

(2) **HIGHLANDS STATE.**—The term “Highlands State” means—

- (A) the State of Connecticut;
- (B) the State of New Jersey;
- (C) the State of New York; and
- (D) the State of Pennsylvania.

(3) **LAND CONSERVATION PARTNERSHIP PROJECT.**—The term “land conservation partnership project” means a land conservation project—

- (A) located in the Highlands region;

(B) identified by the Forest Service in the Study, the Update, or any subsequent Pennsylvania and Connecticut Update as having high conservation value; and

(C) in which a non-Federal entity acquires land or an interest in land from a willing seller to permanently protect, conserve, or preserve the land through a partnership with the Federal Government.

(4) NON-FEDERAL ENTITY.—The term “non-Federal entity” means—

(A) any Highlands State; or

(B) any agency or department of any Highlands State with authority to own and manage land for conservation purposes, including the Palisades Interstate Park Commission.

(5) STUDY.—The term “Study” means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) UPDATE.—The term “Update” means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

(7) PENNSYLVANIA AND CONNECTICUT UPDATE.—The term “Pennsylvania and Connecticut Update” means a report to be completed by the Forest Service that identifies areas having high conservation values in the States of Connecticut and Pennsylvania in a manner similar to that utilized in the Study and Update.

#### SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Each year, the governors of the Highlands States, with input from pertinent units of local government and the public, may—

(1) jointly identify land conservation partnership projects in the Highlands region from land identified as having high conservation values in the Study, the Update, or the Pennsylvania and Connecticut Update that shall be proposed for Federal financial assistance; and

(2) submit a list of those projects to the Secretary of the Interior.

Reports.

(b) CONSIDERATION OF PROJECTS.—Each year, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit to Congress a list of the land conservation partnership projects submitted under subsection (a)(2) that are eligible to receive financial assistance under this section.

Contracts.

(c) ELIGIBILITY CONDITIONS.—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share under subsection (d);

(3) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for



a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

(A) may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court; and

(B) shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in—

(A) the Important Areas portion of the Study;

(B) the Conservation Focal Areas portion of the Update;

(C) the Conservation Priorities portion of the Update;

(D) land identified as having higher or highest resource value in the Conservation Values Assessment portion of the Update; and

(E) land identified as having high conservation value in the Pennsylvania and Connecticut Update.

(d) **NON-FEDERAL SHARE REQUIREMENT.**—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Interior \$10,000,000 for each of fiscal years 2005 through 2014, to remain available until expended.

#### **SEC. 5. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.**

(a) **IN GENERAL.**—To meet the land resource goals of, and the scientific and conservation challenges identified in, the Study, Update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the National Resources Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

(b) **DUTIES.**—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research in the Highlands region consistent with the purposes of this Act, including a Pennsylvania and Connecticut Update;

(2) communicate the findings of the Study and Update and maintain a public dialogue regarding implementation of the Study and Update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying

and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$1,000,000 for each of fiscal years 2005 through 2014.

**SEC. 6. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this Act—

(1) requires a private property owner to permit public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to, or use of, private land.

(b) **LIABILITY.**—Nothing in this Act creates any liability, or has any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this Act modifies any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS.**—Nothing in this Act requires the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this Act.

(e) **PURCHASE OF LAND OR INTERESTS IN LAND FROM WILLING SELLERS ONLY.**—Funds appropriated to carry out this Act shall be used to purchase land or interests in land only from willing sellers.

Approved November 30, 2004.

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**LEGISLATIVE HISTORY—H.R. 1964:**

HOUSE REPORTS: No. 108-373, Pt. 1 (Comm. on Resources).

SENATE REPORTS: No. 108-376 (Comm. on Energy and Natural Resources).

**CONGRESSIONAL RECORD:**

Vol. 149 (2003): Nov. 21, considered and passed House.

Vol. 150 (2004): Oct. 10, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendment.



Public Law 108-430  
108th Congress

An Act

Dec. 3, 2004

[H.R. 1630]

To revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes.

Petrified Forest  
National Park  
Expansion Act of  
2004.

16 USC 119 note.

16 USC 119 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Petrified Forest National Park Expansion Act of 2004”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Proposed Boundary Adjustments, Petrified Forest National Park”, numbered 110/80,044, and dated July 2004.

(2) **PARK.**—The term “Park” means the Petrified Forest National Park in the State.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(4) **STATE.**—The term “State” means the State of Arizona.

16 USC 119 note.

**SEC. 3. BOUNDARY REVISION.**

(a) **IN GENERAL.**—The Secretary is authorized to revise the boundary of the Park to include approximately 125,000 acres as depicted on the map.

(b) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

16 USC 119 note.

**SEC. 4. ACQUISITION OF ADDITIONAL LAND.**

(a) **PRIVATE LAND.**—The Secretary may acquire from a willing seller, by donation, purchase with donated or appropriated funds, or exchange, any private land or interests in private land within the revised boundary of the Park. In acquiring private land and interests in private land within the revised boundary of the Park, the Secretary shall undertake to acquire such private land and interests in private land first by donation or exchange.

(b) **STATE LAND.**—

(1) **IN GENERAL.**—The Secretary may, with the consent of the State and in accordance with Federal and State law, acquire from the State any State land or interests in State land within the revised boundary of the Park.

(2) **PLAN.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition for State land or interests in State land under paragraph (1).

Deadline.



(3) **MANAGEMENT AGREEMENT.**—If the Secretary is unable to acquire the State land under paragraph (1) within the 3-year period required by paragraph (2), the Secretary may enter into an agreement that would allow the National Park Service to manage State land within the revised boundary of the Park.

**SEC. 5. ADMINISTRATION.**

16 USC 119 note.

(a) **IN GENERAL.**—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) **TRANSFER OF JURISDICTION.**—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) **EXCHANGE AFTER ENACTMENT.**—Upon completion of an exchange of land after the date of the enactment of this Act, the Secretary shall transfer administrative jurisdiction over the exchanged lands within the boundary of the Park as depicted on the map to the National Park Service.

(d) **GRAZING.**—

(1) **IN GENERAL.**—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws, regulations, and Executive orders.

(2) **TERMINATION OF LEASES OR PERMITS.**—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(e) **AMENDMENT TO GENERAL MANAGEMENT PLAN.**—Not later than 3 years after the date of the enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

Deadline.

16 USC 119 note. **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved December 3, 2004.

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**LEGISLATIVE HISTORY—H.R. 1630:**

**HOUSE REPORTS:** No. 108-713 (Comm. on Resources).

**CONGRESSIONAL RECORD**, Vol. 150 (2004):

Oct. 4, considered and passed House.

Oct. 10, considered and passed Senate, amended.

Nov. 19, House concurred in Senate amendment.



Public Law 108-438  
108th Congress

An Act

To establish the Kate Mullany National Historic Site in the State of New York,  
and for other purposes.

Dec. 3, 2004

[S. 1241]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

Kate Mullany  
National Historic  
Site Act.  
16 USC 461 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kate Mullany National Historic Site Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) CENTER.—The term “Center” means the American Labor Studies Center.

(2) HISTORIC SITE.—The term “historic site” means the Kate Mullany National Historic Site established by section 3(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 3. KATE MULLANY NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established as an affiliated area of the National Park System the Kate Mullany National Historic Site in the State of New York.

(2) COMPONENTS.—The historic site shall consist of the home of Kate Mullany, located at 350 Eighth Street in Troy, New York.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Center shall own, administer, and operate the historic site.

(2) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in accordance with—

(A) this Act; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the Act of August 25, 1916 (commonly known as the “National Park Service Organic Act”) (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with the Center under which the Secretary may provide to the Center technical, planning, interpretive, construction, and preservation assistance for—



- (A) the preservation of the historic site; and
- (B) educational, interpretive, and research activities relating to the historic site and any related sites.

(2) The Secretary may provide to the Center financial assistance in an amount equal to not more than \$500,000 to assist the Center in acquiring from a willing seller the structure adjacent to the historic site, located at 352 Eighth Street in Troy, New York. On acquisition of the structure, the Secretary shall revise the boundary of the historic site to reflect the acquisition. The non-Federal share of the total cost of acquiring the structure shall be at least 50 percent.

(d) **GENERAL MANAGEMENT PLAN.**—

Deadline.

(1) **IN GENERAL.**—Not later than 3 full fiscal years after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Center, shall develop a general management plan for the historic site.

(2) **CONTENTS.**—The general management plan shall define the role and responsibilities of the Secretary with respect to the interpretation and preservation of the historic site.

(3) **APPLICABLE LAW.**—The general management plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)).

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved December 3, 2004.

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**LEGISLATIVE HISTORY—S. 1241:**

SENATE REPORTS: No. 108-295 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 15, considered and passed Senate.

Nov. 17, considered and passed House.



Public Law 108-447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004

[H.R. 4818]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Consolidated  
Appropriations  
Act, 2005

SECTION 1. SHORT TITLE.

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agencies and Food and Drug Administration
- Title VII—General Provisions

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

- Title I—Department of Justice
- Title II—Department of Commerce and Related Agencies
- Title III—The Judiciary
- Title IV—Department of State and Related Agency
- Title V—Related Agencies
- Title VI—General Provisions
- Title VII—Rescissions
- Title VIII—Patent and Trademark Fees
- Title IX—Oceans and Human Health Act

DIVISION C—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

- Title I—Department of Defense—Civil
- Title II—Department of the Interior
- Title III—Department of Energy
- Title IV—Independent Agencies
- Title V—General Provisions
- Title VI—Reform of the Board of Directors of the Tennessee Valley Authority

DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

- Title I—Export and Investment Assistance

Title II—Bilateral Economic Assistance  
 Title III—Military Assistance  
 Title IV—Multilateral Economic Assistance  
 Title V—General Provisions

**DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES  
 APPROPRIATIONS ACT, 2005**

Title I—Department of the Interior  
 Title II—Related Agencies  
 Title III—General Provisions  
 Title IV—Urgent Wildland Fire Suppression Activities  
 Title V—General Reduction

**DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
 AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

Title I—Department of Labor  
 Title II—Department of Health and Human Services  
 Title III—Department of Education  
 Title IV—Related Agencies  
 Title V—General Provisions

**DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005**

Title I—Legislative Branch Appropriations  
 Title II—General Provisions

**DIVISION H—TRANSPORTATION, TREASURY, INDEPENDENT AGENCIES,  
 AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2005**

Title I—Department of Transportation  
 Title II—Department of the Treasury  
 Title III—Executive Office of the President and Funds Appropriated to the President  
 Title IV—Independent Agencies  
 Title V—General Provisions  
 Title VI—General Provisions

**DIVISION I—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND  
 URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005**

Title I—Department of Veterans Affairs  
 Title II—Department of Housing and Urban Development  
 Title III—Independent Agencies  
 Title IV—General Provisions

**DIVISION J—OTHER MATTERS**

Title I—Miscellaneous Provisions and Offsets  
 Title II—225th Anniversary of the American Revolution Commemoration Act  
 Title III—Rural Air Service Improvement Act of 2004  
 Title IV—L-1 Visa and H-1B Visa Reform Act  
 Title V—National Aviation Heritage Area Act  
 Title VI—Oil Region National Heritage Area Act  
 Title VII—Mississippi Gulf Coast National Heritage Area Act  
 Title VIII—Federal Lands Recreation Enhancement Act  
 Title IX—Satellite Home Viewer Extension and Reauthorization Act of 2004  
 Title X—Snake River Water Rights Act of 2004

**DIVISION K—SMALL BUSINESS**

1 USC 1 note.

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

\* \* \* \* \*



(3)(A) is presently maintaining a residence in the United States or whose surviving spouse is presently maintaining such a residence; or

(B) was approved for refugee resettlement or immigrant visa processing and is awaiting departure formalities from Vietnam or whose surviving spouse is awaiting such departure formalities.

#### JOINT EXPLANATORY STATEMENT

SEC. 595. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement of managers accompanying this Act:

“Economic Support Fund”.

“Assistance for Eastern Europe and the Baltic States”.

“Assistance for the Independent States of the Former Soviet Union”.

“Andean Counterdrug Initiative”.

“Nonproliferation, Anti-Terrorism, Demining and Related Programs”.

“Foreign Military Financing Program”.

“International Organizations and Programs”.

(b) Any proposed increases or decreases to the amounts contained in such tables in the joint explanatory statement of managers shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

This division may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005”.

#### DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

#### TITLE I—DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

#### MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$848,939,000, to remain available until expended, of which \$1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; \$4,000,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487; (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)); and of which \$3,500,000 shall be available in fiscal year 2005 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation

Department of  
the Interior and  
Related Agencies  
Appropriations  
Act, 2005.

\* \* \* \* \*

unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108-330.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,707,282,000, of which \$10,708,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$96,440,000 is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed \$10,000 per event subject to the review and concurrence of the Washington headquarters office.

##### UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, \$81,204,000.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$61,832,000: *Provided*, That \$700,000 from the Statutory and Contractual Aid Account shall be provided to the City of Tacoma, Washington for the purpose of conducting a feasibility study for the Train to the Mountain project: *Provided further*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan: *Provided further*, That notwithstanding section 8(b) of Public Law 102-543 (16 U.S.C. 410yy-8(b)), amounts made available under this heading to the Keweenaw National Historical Park shall be matched on not less than a 1-to-1 basis by non-Federal funds.



## HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$72,750,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2006, of which \$30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That hereinafter and notwithstanding 20 U.S.C. 951 et seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

## CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$307,362,000, to remain available until expended, of which \$500,000 for the L.Q.C. Lamar House National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of \$5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That these restrictions do not apply to the Flight 93 Memorial: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations: *Provided further*, That the National Park Service may use funds provided herein to construct a parking lot and connecting trail on leased, non-Federal land in order to accommodate visitor use of the Old Rag Mountain Trail at Shenandoah National Park, and may for the duration of such lease use any funds available



to the Service for the maintenance of the parking lot and connecting trail.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

16 USC 4601-10a  
note.

The contract authority provided for fiscal year 2005 by 16 U.S.C. 4601-10a are rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$148,411,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$92,500,000 is for the State assistance program including \$1,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That in lieu of State assistance program indirect costs (as described in OMB Circular A-87), not to exceed 5 percent of apportionments under the State assistance program may be used by States, the District of Columbia, and insular areas to support program administrative costs: *Provided further*, That \$250,000 of the amount provided under this heading for civil war battlefield protection shall be available for transfer to the "National Recreation and Preservation" account.

#### ADMINISTRATIVE PROVISIONS

Expiration date.  
Reports.

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, in fiscal year 2005, with respect to the administration of the National Park Service park pass program by the National Park Foundation, the Secretary may pay to the Foundation administrative funds expected to be received in that fiscal year before the revenues are collected, so long as total payments in the administrative account do not exceed total revenue collected and deposited in that account by the end of the fiscal year.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

Deadline.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$948,921,000, of which \$63,262,000 shall be available only for

\* \* \* \* \*



funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That, not to exceed \$50,000, is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

25 USC 4011  
note.

Records.

#### INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$35,000,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106-291).

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$5,818,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may



Reports.

be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

## GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations

currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for “wildland fire operations” shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of S. Con. Res. 95 (108th Congress), as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior shall hereafter be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

43 USC 1471c-1.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall hereafter be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

43 USC 1471h.

SEC. 106. Annual appropriations made to the Department of the Interior shall hereafter be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

43 USC 1471i.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.



SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 110. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

25 USC 450e-3.

SEC. 111. Advance payments made by the Department of the Interior to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may hereafter be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 113. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 114. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified,



unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2005. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 115. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2005 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 116. (a) The Secretary of the Interior shall hereafter take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106-291) are used only in accordance with this section.

Kansas.  
Cemeteries.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 117. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100-696; 16 U.S.C. 460zz.

SEC. 118. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings, may hereafter be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

43 USC 1474e.

SEC. 119. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 120. (a) LIMITATION ON INCREASES IN CLAIMS MAINTENANCE AND LOCATION FEES.—The fees established in 30 U.S.C. 28f and 28g shall be equal to the fees in effect immediately prior to the rule of July 1, 2004 (69 Fed. Reg. 40,294) until the Department of the Interior has complied with the obligations established in subsections (b) and (c).

(b) ESTABLISHMENT OF PERMIT TRACKING SYSTEM.—The Department of the Interior shall establish a nationwide tracking system to determine and address the length of time from submission of a plan of operations to mine on public lands to final approval of such submission.

(c) REPORT.—Within 1 year of enactment, the Department shall file a detailed report with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate providing detailed information on the length

of time it takes the Department to approve proposed mining plans of operations and recommending steps to reduce current delays.

SEC. 121. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 122. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 123. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 124. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 125. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 126. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 127. Such sums as may be necessary from "Departmental Management, Salaries and Expenses", may be transferred to "United States Fish and Wildlife Service, Resource Management" for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 128. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123



of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 129. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 130. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2006 shall not exceed \$12,000,000.

SEC. 131. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2005 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa-458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: *Provided further*, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 132. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 8 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 133. Pursuant to section 10101f(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(d)(3)), the following claims shall be given notice of defect and the opportunity to cure: AKFF061472, AKFF085155-AKFF085156, AKFF061632-AKFF061633, AKFF061636-AKFF061637, and AKFF084718.

SEC. 134. Section 702(b)(2) of Public Law 107-282 (116 Stat. 2013) is amended by striking "that if the land" and all that follows through "conveyed by the Foundation." and inserting the following:

Notices.  
Mining.  
Claims.



“that provides that (except in a case in which the proceeds of a lease are provided to the Foundation to carry out the purposes for which the Foundation was established), if the land described in paragraph (3) is sold, leased, or otherwise conveyed by the Foundation—”.

SEC. 135. AMENDMENT OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977. (a) Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking “September 30, 2004” and inserting “June 30, 2005”.

*Ante*, p. 1142.

(b) Section 125 of Public Law 108-309 is hereby repealed.

SEC. 136. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

South Carolina.  
16 USC 668dd  
note.

SEC. 137. ERNEST F. HOLLINGS ACE BASIN NATIONAL WILDLIFE REFUGE. (a) REDESIGNATION.—The ACE Basin National Wildlife Refuge in the State of South Carolina shall be known and designated as the “Ernest F. Hollings ACE Basin National Wildlife Refuge”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the refuge referred to in subsection (a) shall be deemed to be a reference to the “Ernest F. Hollings ACE Basin National Wildlife Refuge”.

SEC. 138. FINANCIAL ASSISTANCE; FLOOD INSURANCE. The limitations on Federal expenditures or financial assistance in section 5 of the Coastal Barrier Resources Act (16 U.S.C. 3504) and the limitations on flood insurance coverage in section 1321(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4028(a)) shall not apply to lots 15, 16, 25, and 29 within the Jeremy Cay Subdivision on Edisto Island, South Carolina, depicted on the reference map entitled “John H. Chafee Coastal Barrier Resources System Edisto Complex M09/M09P” dated January 24, 2003.

California.  
Federal buildings  
and facilities.

SEC. 139. (a) There is hereby released, without consideration, all right, title, and interest of the United States in and to the surface portion of that portion of the existing building located at 615 North Burnett Road in Tipton, California, which encroaches upon land that, subject to a reversionary interest, was conveyed by the United States pursuant to the Act of July 27, 1866 (14 Stat. 292). The United States retains any subsurface mineral rights held by the United States as of the date of the enactment of this Act associated with that property. The Secretary of the Interior shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests made by this subsection.

16 USC 45f.

(b) Section 314 of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3480) is amended—

(1) in subsection (c)(2), by striking “Such rights of use and occupancy shall be for not more than twenty-five years

or for a term ending at the death of the owner or his or her spouse, whichever is later.”; and

(2) in subsection (d)(2)(B), by inserting “and to their heirs, successors, and assigns” after “those persons who were lessees or permittees of record on the date of enactment of this Act”.

(c)(1) The first section of Public Law 99-338 is amended by striking “one renewal” and inserting “3 renewals”.

16 USC 45a-1  
note.

(2) Section 3 of Public Law 99-338 is amended to read as follows:

100 Stat. 641.

“SEC. 3. The permit shall contain the following provisions:

“(1) A prohibition on expansion of the Kaweah Project in Sequoia National Park.

“(2) A requirement that an independent safety assessment of the Kaweah Project be conducted, and that any deficiencies identified as a result of the assessment would be corrected.

“(3) A requirement that the Secretary prepare and submit to Congress an update of the July 1983 report on the impact of the operations of the Kaweah No. 3 facility on Sequoia National Park.

“(4) A requirement that the permittee pay the park compensation as determined by the Secretary in consultation with the permittee.

“(5) Any other reasonable terms and conditions that the Secretary of the Interior deems necessary and proper for the management and care of Sequoia National Park and the purposes for which it was established.”.

(3) Public Law 99-338 is further amended by adding at the end the following new section:

“SEC. 4. The proceeds from any fees imposed pursuant to a permit issued under this Act shall be retained by Sequoia National Park and Kings Canyon National Park and shall be available, without further appropriation, for resources protection, maintenance, and other park operational needs.”.

SEC. 140. (a) SHORT TITLE.—This section may be cited as the “Gaylord A. Nelson Apostle Islands National Lakeshore Wilderness Act”.

Gaylord A.  
Nelson Apostle  
Islands National  
Lakeshore  
Wilderness Act.

(b) DEFINITIONS.—In this section:

(1) MAP.—The term “map” means the map entitled “Apostle Islands Lakeshore Wilderness”, numbered 633/80,058 and dated September 17, 2004.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) HIGH-WATER MARK.—The term “high-water mark” means the point on the bank or shore up to which the water, by its presence and action or flow, leaves a distinct mark indicated by erosion, destruction of or change in vegetation or other easily recognizable characteristic.

(c) DESIGNATION OF APOSTLE ISLANDS NATIONAL LAKESHORE WILDERNESS.—

16 USC 1132  
note.

(1) DESIGNATION.—Certain lands comprising approximately 33,500 acres within the Apostle Islands National Lakeshore, as generally depicted on the map referred to in subsection (b), are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (16 U.S.C. 1132), and therefore as components of the National Wilderness Preservation System.

(2) MAP AND DESCRIPTION.—



(A) The map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(B) As soon as practical after enactment of this section, the Secretary shall submit a description of the boundary of the wilderness areas to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(C) The map and description shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the description and maps.

(3) BOUNDARY OF THE WILDERNESS.—Any portion of wilderness designated in paragraph (c)(1) that is bordered by Lake Superior shall use as its boundary the high-water mark.

(4) NAMING.—The wilderness area designated by this section shall be known as the Gaylord A. Nelson National Wilderness.

(d) ADMINISTRATION.—

(1) MANAGEMENT.—Subject to valid existing rights, the lands designated as wilderness by this section shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this section; and

(B) where appropriate, any reference to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior with respect to lands administered by the Secretary.

(2) SAVINGS PROVISIONS.—Nothing in this section shall—

(A) modify, alter, or in any way affect any treaty rights;

(B) alter the management of the waters of Lake Superior within the boundary of the Apostle Islands National Lakeshore in existence on the date of enactment of this section; or

(C) be construed to modify, limit, or in any way affect the use of motors on the lake waters, including snowmobiles and the beaching of motorboats adjacent to wilderness areas below the high-water mark, and the maintenance and expansion of any docks existing at the time of the enactment of this section.

SEC. 141. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108-108.

SEC. 142. SALE OF WILD FREE-ROAMING HORSES AND BURROS.

(a) IN GENERAL.—Section 3 of Public Law 92-195 (16 U.S.C. 1333) is amended—

(1) in subsection (d)(5), by striking “this section” and all that follows through the period at the end and inserting “this section.”; and

(2) by adding at the end the following:



**“(e) SALE OF EXCESS ANIMALS.—**

**“(1) IN GENERAL.—**Any excess animal or the remains of an excess animal shall be sold if—

**“(A)** the excess animal is more than 10 years of age;  
or

**“(B)** the excess animal has been offered unsuccessfully for adoption at least 3 times.

**“(2) METHOD OF SALE.—**An excess animal that meets either of the criteria in paragraph (1) shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities, until such time as—

**“(A)** all excess animals offered for sale are sold; or

**“(B)** the appropriate management level, as determined by the Secretary, is attained in all areas occupied by wild free-roaming horses and burros.

**“(3) DISPOSITION OF FUNDS.—**Funds generated from the sale of excess animals under this subsection shall be—

**“(A)** credited as an offsetting collection to the Management of Lands and Resources appropriation for the Bureau of Land Management; and

**“(B)** used for the costs relating to the adoption of wild free-roaming horses and burros, including the costs of marketing such adoption.

**“(4) EFFECT OF SALE.—**Any excess animal sold under this provision shall no longer be considered to be a wild free-roaming horse or burro for purposes of this Act.”.

**(b) CRIMINAL PROVISIONS.—**Section 8(a)(4) of Public Law 92-195 (16 U.S.C. 1338(a)(4)) is amended by inserting “except as provided in section 3(e),” before “processes”.

**SEC. 143. (a) SHORT TITLE.—**This section may be cited as the “Migratory Bird Treaty Reform Act of 2004”.

**(b) EXCLUSION OF NON-NATIVE SPECIES FROM APPLICATION OF CERTAIN PROHIBITIONS UNDER MIGRATORY BIRD TREATY ACT.—**Section 2 of the Migratory Bird Treaty Act (16 U.S.C. 703) is amended—

**(1)** in the first sentence by striking “That unless and except as permitted” and inserting the following: “(a) IN GENERAL.—Unless and except as permitted”; and

**(2)** by adding at the end the following:

**“(b) LIMITATION ON APPLICATION TO INTRODUCED SPECIES.—**  
**“(1) IN GENERAL.—**This Act applies only to migratory bird species that are native to the United States or its territories.

**“(2) NATIVE TO THE UNITED STATES DEFINED.—**

**“(A) IN GENERAL.—**Subject to subparagraph (B), in this subsection the term ‘native to the United States or its territories’ means occurring in the United States or its territories as the result of natural biological or ecological processes.

**“(B) TREATMENT OF INTRODUCED SPECIES.—**For purposes of paragraph (1), a migratory bird species that occurs in the United States or its territories solely as a result of intentional or unintentional human-assisted introduction shall not be considered native to the United States or its territories unless—

**“(i)** it was native to the United States or its territories and extant in 1918;

Migratory Bird  
Treaty Reform  
Act of 2004.  
16 USC 710 note.

“(ii) it was extirpated after 1918 throughout its range in the United States and its territories; and  
 “(iii) after such extirpation, it was reintroduced in the United States or its territories as a part of a program carried out by a Federal agency.”.

16 USC 703 note.  
 Deadline.  
 Federal Register,  
 publication.

(c) PUBLICATION OF LIST.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary of the Interior shall publish in the Federal Register a list of all nonnative, human-introduced bird species to which the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) does not apply. As necessary, the Secretary may update and publish the list of species exempted from protection of the Migratory Bird Treaty Act.

(2) PUBLIC COMMENT.—Before publishing the list under paragraph (1), the Secretary shall provide adequate time for public comment.

(3) EFFECT OF SECTION.—Nothing in this subsection shall delay implementation of other provisions of this section or amendments made by this section that exclude nonnative, human-introduced bird species from the application of the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

16 USC 703 note.

(d) RELATIONSHIP TO TREATIES.—It is the sense of Congress that the language of this section is consistent with the intent and language of the 4 bilateral treaties implemented by this section.

Foundation for  
 Nevada's  
 Veterans Land  
 Transfer Act of  
 2004.

SEC. 144. (a) SHORT TITLE.—This section may be cited as the “Foundation for Nevada’s Veterans Land Transfer Act of 2004”.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION, BUREAU OF LAND MANAGEMENT LAND, CLARK COUNTY, NEVADA.—

(1) IN GENERAL.—Administrative jurisdiction over the land described in paragraph (2) is transferred from the Secretary of the Interior to the Secretary of Veterans Affairs.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the approximately 150 acres of Bureau of Land Management land in Clark County, Nevada, as generally depicted on the map entitled “Veterans Administration Conveyance” and dated September 24, 2004.

(3) USE OF LAND.—The parcel of land described in paragraph (2) shall be used by the Secretary of Veterans Affairs for the construction and operation of medical and related facilities, as determined to be appropriate by the Secretary of Veterans Affairs.

SEC. 145. CUMBERLAND ISLAND WILDERNESS BOUNDARY ADJUSTMENT. (a) IN GENERAL.—Public Law 97-250 (96 Stat. 709) is amended by striking section 2 and inserting the following:

16 USC 1132  
 note.  
 Cumberland  
 Island  
 Wilderness  
 Boundary  
 Adjustment Act  
 of 2004.

“SEC. 2. CUMBERLAND ISLAND WILDERNESS.

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Cumberland Island Wilderness’, numbered 640/20,038I, and dated September 2004.

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(3) WILDERNESS.—The term ‘Wilderness’ means the Cumberland Island Wilderness established by subsection (b).

“(4) POTENTIAL WILDERNESS.—The term ‘Potential Wilderness’ means the 10,500 acres of potential wilderness described in subsection (c)(2), but does not include the area at the north



end of Cumberland Island known as the 'High Point Half-Moon Bluff Historic District'.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—Approximately 9,886 acres of land in the Cumberland Island National Seashore depicted on the map as 'Wilderness' is designated as a component of the National Wilderness Preservation System and shall be known as the 'Cumberland Island Wilderness'.

"(2) EXCLUSIONS.—The 25-foot wide roadways depicted on the map as the 'Main Road', 'Plum Orchard', and the 'North Cut Road' shall not be included in the Wilderness and shall be maintained by the Secretary for continued vehicle use.

"(c) ADDITIONAL LAND.—In addition to the land designated under subsection (b), the Secretary shall—

"(1) on acquisition of the approximately 231 acres of land identified on the map as 'Areas Become Designated Wilderness upon Acquisition by the NPS'; and

"(2) on publication in the Federal Register of a notice that all uses of the approximately 10,500 acres of land depicted on the map as 'Potential Wilderness' that are prohibited under the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, adjust the boundary of the Wilderness to include the land.

"(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(e) ADMINISTRATION.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary, in accordance with the applicable provisions of the Wilderness Act (16 U.S.C. 1131 et seq.) governing areas designated by that Act as wilderness areas, except that—

"(1) any reference in such provisions to the effective date of that Act shall be deemed to be a reference to the effective date of this Act; and

"(2) where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary.

"(f) EFFECT.—Any person with a right to utility service on Cumberland Island on the date of enactment of this subsection shall continue to have the right to utility service in the Wilderness after the date of enactment of this subsection.

"(g) MANAGEMENT PLAN FOR ACCESS TO MAIN ROAD AND NORTH CUT ROAD.—Not later than 1 year after the date of the enactment of the Cumberland Island Wilderness Boundary Adjustment Act of 2004, the Secretary shall complete a management plan to ensure that not more than 8 and not less than 5 round trips are made available daily on the Main Road north of the Plum Orchard Spur and the North Cut Road by the National Park Service or a concessionaire for the purpose of transporting visitors to and from the historic sites located adjacent to Wilderness."

(b) TOURS OF CUMBERLAND ISLAND NATIONAL SEASHORE.—Section 6 of Public Law 92-536 (86 Stat. 1066) is amended—

(1) in subsection (b), by inserting ", except as provided in subsection (c)," before "no development of the project"; and

(2) by adding at the end the following:

"(c) TOURS OF THE SEASHORE.—Notwithstanding subsection (b), the Secretary may enter into not more than 3 concession contracts,

Federal Register,  
publication.  
Notice.

Deadline.

16 USC 429i-5.

Contracts.



as the Secretary determines appropriate, for the provision of tours for visitors to the seashore that are consistent with—

“(1) this Act;

“(2) the Wilderness Act (16 U.S.C. 1131 et seq.); and

“(3) Public Law 97-250 (96 Stat. 709).”

16 USC 459i  
note.

(c) **SHORT TITLE.**—This section may be cited as the “Cumberland Island Wilderness Boundary Adjustment Act of 2004”.

**SEC. 146.** Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2004–2005 that commences on or about December 15, 2004.

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$280,278,000, to remain available until expended: *Provided*, That of the funds provided, \$56,714,000 is for the forest inventory and analysis program.

##### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$296,626,000, to remain available until expended, as authorized by law of which \$57,939,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share: *Provided further*, That notwithstanding any other provision of law, of the funds provided under this heading, \$2,000,000 shall be made available to Kake Tribal Corporation as an advance direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106-283), and \$1,500,000 shall be made available to Canton, North Carolina, as an advance direct lump sum payment for wood products wastewater treatment repairs.

##### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,400,260,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land

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## NATIONAL ENDOWMENT FOR THE HUMANITIES

## GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$123,877,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$16,122,000, to remain available until expended, of which \$10,436,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

## ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

## COMMISSION OF FINE ARTS

## SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,793,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

## NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

## SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$4,600,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

## NATIONAL CAPITAL PLANNING COMMISSION

## SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,000,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

## UNITED STATES HOLOCAUST MEMORIAL MUSEUM

## HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$41,433,000, of which \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

## PRESIDIO TRUST

## PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$20,000,000 shall be available to the Presidio Trust, to remain available until expended.

## TITLE III—GENERAL PROVISIONS

Contracts.  
Public  
information.

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal



cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

SEC. 307. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2005, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

Contracts.

SEC. 308. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, and 108-108 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2004 for such

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public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

Grants.

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

Reports.

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2005 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California, Idaho, Montana, and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

Contracts.  
State listing.

SEC. 315. Amounts deposited during fiscal year 2004 in the roads and trails fund provided for in the 14th paragraph under the heading “FOREST SERVICE” of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 316. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering



machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 317. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 318. Section 3 of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking "The Secretary of Agriculture may, when in his" and inserting "(a) The Secretary of Agriculture may, when in his or her";

"(b) Amounts deposited under subsection (a)";

(2) by striking "may direct:" and all that follows through "That the Secretary of Agriculture" and inserting "may direct. The Secretary of Agriculture"; and

(3) by adding at the end the following new subsection:

"(c) Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion

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of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

“(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

“(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.”.

SEC. 319. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

16 USC 4601-6a  
note.

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency; and

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2005, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

16 USC 1604  
note.

SEC. 321. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are

allowed under the Presidential proclamation establishing such monument.

SEC. 322. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107-63) is amended—

(1) in subsection (b), by striking “30” and inserting “40”;

(2) in subsection (c) by striking “8” and inserting “13”;

and

(3) in subsection (d), by striking “2007” and inserting “2008”.

SEC. 323. Section 3(c) of the Harriet Tubman Special Resource Study Act (Public Law 106-516; 114 Stat. 2405) is amended by striking “section 8 of section 8” and inserting “section 8.”.

SEC. 324. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 325. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2005, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 326. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 327. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2005.

SEC. 328. In awarding a Federal contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the “Secretaries”) may, in evaluating bids and proposals, give consideration to local contractors who are from,



and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms “rural community” and “economically disadvantaged” shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 329. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 330. Section 338 of Public Law 108-108 is amended by striking “2003” and inserting “2004”. 117 Stat. 1314.

SEC. 331. Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 110 Stat. 1321-200; 16 U.S.C. 4601-6a note), is amended—

(1) in subsection (b), by inserting “subject to subsection (g) but” before “notwithstanding” in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:  
“(g) The Secretary of Agriculture may not charge or collect fees under this section for the following:

“(1) Admission to a unit of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

“(2) The use either singly or in any combination, of the following—

“(A) undesignated parking along roads;

“(B) overlook sites or scenic pullouts;

“(C) information offices and centers that only provide general area information and limited services or interpretive exhibits; and

“(D) dispersed areas for which expenditures in facilities or services are limited.”.

SEC. 332. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of Energy or the Department of the Interior

\* \* \* \* \*



for fiscal year 2005, not more than the maximum amount specified in paragraph (2) may be used by the Secretary of Energy or the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2005 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108-330.

(2) For the purposes of paragraph (1) the maximum amount—

(A) with respect to the Department of Energy is \$500,000; and

(B) with respect to the Department of the Interior is \$3,250,000.

(3) Of the funds appropriated by this Act, not more than \$2,000,000 may be used in fiscal year 2005 for competitive sourcing studies and related activities by the Forest Service.

(b) **COMPETITIVE SOURCING STUDY DEFINED.**—In this section, the term “competitive sourcing study” means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

31 USC 501 note.

(c) Section 340(b) of Public Law 108-108 is hereby repealed.

(d) **COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2005.**—Notwithstanding requirements of Office of Management and Budget Circular A-76, Attachment B, the Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(e) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

**SEC. 333.** Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 344. Notwithstanding any other provision of law and using funds previously appropriated for such purpose under Public Law 106-291 (\$1,630,000) and Public Law 108-199 (\$2,300,000), the National Park Service shall (1) not later than 60 days after enactment of this section purchase the seven parcels of real property in Seward, Alaska identified by Kenai Peninsula tax identification numbers 14910001, 14910002, 14911033, 14913005, 14913020, 14913007, and 14913008 that have been selected for the administrative complex, visitor facility, plaza and related parking for the Kenai Fjords National Park and Chugach National Forest which shall hereafter be known as the Mary Lowell Center; and (2) transfer to the City of Seward any remaining balance of previously appropriated funds not necessary for property acquisition and design upon the vacation by the City of Seward of Washington Street between 4th Avenue and 5th Avenue and transfer of title of the appropriate portions thereof to the Federal Government, provided that the City of Seward uses any such funds for the related waterfront planning, pavilions, boardwalks, trails, or related purposes that complement the new Federal facility.

Deadline.  
Real property.

SEC. 345. Section 331, of Public Law 106-113, is amended—

16 USC 497 note.

(1) in part (a) by striking “2004” and inserting “2005”; and

(2) in part (b) by striking “2004” and inserting “2005”.

SEC. 346. FEDERAL BUILDING, SANDPOINT, IDAHO. (a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) MAP.—The term “map” means the map that is—

(A) entitled “Sandpoint Federal Building”;

(B) dated September 12, 2002; and

(C) on file in—

(i) the Office of the Chief of the Forest Service; and

(ii) the Office of the Supervisor, Idaho National Forests, Coeur d’Alene, Idaho.

(3) PROPERTY.—The term “property” means the Sandpoint Federal Building and approximately 3.17 acres of land in Sandpoint, Idaho, as depicted on the map.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—Notwithstanding subtitle I of title 40, United States Code, the Administrator may convey to the Secretary, all right, title, and interest of the United States in and to the property.

(2) CONDITIONS.—The conveyance of the property under paragraph (1) shall be on a noncompetitive basis, for consideration, and subject to any other terms and conditions to which the Administrator and the Secretary may agree, including a purchase period with multiple payments over multiple fiscal years.

(3) SOURCE OF FUNDS.—The Secretary may use amounts made available to the Forest Service for any of fiscal years 2005 through 2010 to acquire the property under paragraph (1).

(c) SALE OR EXCHANGE OF PROPERTY.—



(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may use, maintain, lease, sublease, sell, or exchange all or part of the property.

(2) **TERMS.**—The sale or exchange of the property under paragraph (1) shall be for market value and subject to such terms as the Secretary determines to be in the public interest.

(3) **METHOD OF SALE OR EXCHANGE.**—The sale or exchange of the property under paragraph (1) may be on a competitive or noncompetitive basis.

(4) **CONSIDERATION.**—Consideration for the sale or exchange of the property may be in the form of cash, land, or improvements (including improvements to be constructed after the date of the sale or exchange).

(3) **DISPOSITION AND USE OF PROCEEDS.**—

(A) **DISPOSITION OF PROCEEDS.**—The Secretary shall deposit the proceeds derived from any lease, sublease, sale, exchange, or any other use or disposition of the property in the fund established by Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a).

(B) **USE OF PROCEEDS.**—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, until expended, for the construction and maintenance of Forest Service offices and related facilities on National Forest System land in the vicinity of Sandpoint, Idaho.

SEC. 347. (a) **SHORT TITLE.**—This section may be cited as the “Chris Zajicek Memorial Land Exchange Act of 2004”.

(b) **NATIONAL FOREST SYSTEM LAND EXCHANGE IN THE STATE OF FLORIDA.**—

(1) **IN GENERAL.**—Notwithstanding the effect of the wildfire known as the “Impassable 1 Fire” on the value of the land to be exchanged, the Secretary of Agriculture (acting through the Chief of the Forest Service) may carry out the exchange agreement entered into by the Forest Service and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida and dated March 5, 2004.

(2) **VALUATION.**—For purposes of determining the value of the land to be exchanged under paragraph (1), the value of the land shall be considered to be the value of the land determined by the appraisal conducted on August 21, 2003.

SEC. 348. (a) **SHORT TITLE.**—This section may be cited as the “Grey Towers National Historic Site Act of 2004”.

(b) **FINDINGS; PURPOSES; DEFINITIONS.**—

(1) **FINDINGS.**—Congress finds the following:

(A) James and Mary Pinchot constructed a home and estate that is known as Grey Towers in Milford, Pennsylvania.

(B) James and Mary Pinchot were also the progenitors of a family of notable accomplishment in the history of the Commonwealth of Pennsylvania and the Nation, in particular, their son, Gifford Pinchot.

(C) Gifford Pinchot was the first Chief of the Forest Service, a major influence in formulating and implementing forest conservation policies in the early 20th Century, and twice Governor of Pennsylvania.

(D) During the early 20th century, James and Gifford Pinchot used Grey Towers and the environs to establish

Chris Zajicek  
Memorial Land  
Exchange Act of  
2004.

Grey Towers  
National Historic  
Site Act of 2004.  
Pennsylvania.  
16 USC 461 note.  
James Pinchot.  
Mary Pinchot.

Gifford Pinchot.



scientific forestry, to develop conservation leaders, and to formulate conservation principles, thus making this site one of the primary birthplaces of the American conservation movement.

(E) In 1963, Gifford Bryce Pinchot, the son of Gifford and Cornelia Pinchot, donated Grey Towers and 102 acres to the Nation.

Gifford Bryce  
Pinchot.  
Cornelia Pinchot.

(F) In 1963, President John F. Kennedy dedicated the Pinchot Institute for Conservation for the greater knowledge of land and its uses at Grey Towers National Historic Landmark, thereby establishing a partnership between the public and private sectors.

John F. Kennedy.

(G) Grey Towers today is a place of historical significance where leaders in natural resource conservation meet, study, and share ideas, analyses, values, and philosophies, and is also a place where the public can learn and appreciate our conservation heritage.

(H) As established by President Kennedy, the Pinchot Institute for Conservation, and the Forest Service at Grey Towers operate through an established partnership in developing and delivering programs that carry on Gifford Pinchot's conservation legacy.

(I) Grey Towers and associated structures in and around Milford, Pennsylvania, can serve to enhance regional recreational and educational opportunities.

(2) PURPOSES.—The purposes of this section are as follows:

(A) To honor and perpetuate the memory of Gifford Pinchot.

(B) To promote the recreational and educational resources of Milford, Pennsylvania, and its environs.

(C) To authorize the Secretary of Agriculture—

(i) to further the scientific, policy analysis, educational, and cultural programs in natural resource conservation at Grey Towers;

(ii) to manage the property and environs more efficiently and effectively; and

(iii) to further collaborative ties with the Pinchot Institute for Conservation, and other Federal, State, and local agencies with shared interests.

(3) DEFINITIONS.—For the purposes of this section:

(A) ASSOCIATED PROPERTIES.—The term “Associated Properties” means lands and improvements outside of the Grey Towers National Historic Landmark within Pike County, Pennsylvania, and which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(B) GREY TOWERS.—The term “Grey Towers” means the buildings and surrounding area of approximately 303 acres, including the 102 acres donated in 1963 to the United States and so designated that year.

(C) HISTORIC SITE.—The term “Historic Site” means the Grey Towers National Historic Site, as so designated by this Act.

(D) PINCHOT INSTITUTE.—The term “Pinchot Institute” means the Pinchot Institute for Conservation, a nonprofit corporation established under the laws of the District of Columbia.

(E) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(c) DESIGNATION OF NATIONAL HISTORIC SITE.—Subject to valid existing rights, all lands and improvements formerly encompassed within the Grey Towers National Historic Landmark are designated as the “Grey Towers National Historic Site”.

(d) ADMINISTRATION.—

(1) PURPOSES.—The Historic Site shall be administered for the following purposes:

(A) Education, public demonstration projects, and research related to natural resource conservation, protection, management, and use.

(B) Leadership development within the natural resource professions and the Federal civil service.

(C) Continuing Gifford Pinchot’s legacy through pursuit of new ideas, strategies, and solutions to natural resource issues that include economic, ecological, and social values.

(D) Preservation, use, and maintenance of the buildings, grounds, facilities, and archives associated with Gifford Pinchot.

(E) Study and interpretation of the life and works of Gifford Pinchot.

(F) Public recreation and enjoyment.

(G) Protection and enjoyment of the scenic and natural environs.

(2) APPLICABLE LAWS.—The Secretary shall administer federally owned lands and interests in lands at the Historic Site and Associated Properties as components of the National Forest System in accordance with this Act, 16 U.S.C. 461 et seq. and other laws generally applicable to the administration of national historic sites, and the laws, rules, and regulations applicable to the National Forest System, except that the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) shall not apply.

(3) LAND ACQUISITION.—The Secretary is authorized to acquire, on a willing seller basis, by purchase, donation, exchange, or otherwise, privately owned lands and interests in lands, including improvements, within the Historic Site and the Associated Properties, using donated or appropriated funds.

(4) GIFTS.—

(A) ACCEPTED BY ENTITIES OTHER THAN THE SECRETARY.—Subject to such terms and conditions as the Secretary may prescribe, any public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of or in connection with, the activities and services at the Historic Site.

(B) ACCEPTED BY THE SECRETARY.—Gifts may be accepted by the Secretary for the benefit of or in connection with, the activities and services at the Historic Site notwithstanding the fact that a donor conducts business with or is regulated by the Department of Agriculture in any capacity.

(e) COOPERATIVE AUTHORITIES.—

(1) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into Agreements for grants, contracts, and cooperative agreements as appropriate with the

National Forest  
System.  
Public lands.

Pinchot Institute, public and other private agencies, organizations, institutions, and individuals to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs at Grey Towers or to otherwise further the purposes of this section.

(2) INTERDEPARTMENTAL.—The Secretary and the Secretary of the Interior are authorized and encouraged to cooperate in promoting public use and enjoyment of Grey Towers and the Delaware Water Gap National Recreation Area and in otherwise furthering the administration and purposes for which both areas were designated. Such cooperation may include collocation and use of facilities within Associated Properties and elsewhere.

(3) OTHER.—The Secretary may authorize use of the grounds and facilities of Grey Towers by the Pinchot Institute and other participating partners including Federal, State, and local agencies, on such terms and conditions as the Secretary may prescribe, including the waiver of special use authorizations and the waiver of rental and use fees.

(f) FUNDS.—

(1) FEES AND CHARGES.—The Secretary may impose reasonable fees and charges for admission to and use of facilities on Grey Towers.

(2) SPECIAL FUND.—Any monies received by the Forest Service in administering Grey Towers shall be deposited into the Treasury of the United States and covered in a special fund called the Grey Towers National Historic Site Fund. Monies in the Grey Towers National Historic Site Fund shall be available until expended, without further appropriation, for support of programs of Grey Towers, and any other expenses incurred in the administration of Grey Towers.

(g) MAP.—The Secretary shall produce and keep for public inspection a map of the Historic Site and associated properties within Pike County, Pennsylvania, which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service.

(h) SAVINGS PROVISION.—Nothing in this section shall be deemed to diminish the authorities of the Secretary under the Cooperative Forestry Assistance Act or any other law pertaining to the National Forest System.

SEC. 349. (a) SHORT TITLE.—This section may be cited as the “Montana National Forests Boundary Adjustment Act of 2004”.

(b) DEFINITIONS.—In this section:

(1) FORESTS.—The term “Forests” means the Helena National Forest, Lolo National Forest, and Beaverhead-Deerlodge National Forest in the State of Montana.

(2) MAP.—The term “map” means—

(A) the map entitled “Helena National Forest Boundary Adjustment Northern Region, USDA Forest Service” and dated September 13, 2004;

(B) the map entitled “Lolo National Forest Boundary Adjustment Northern Region, USDA Forest Service” and dated September 13, 2004; and

(C) the map entitled “Deerlodge National Forest Boundary Adjustment Northern Region USDA Forest Service” and dated September 13, 2004.

Montana  
National Forests  
Boundary  
Adjustment Act  
of 2004.



(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(c) HELENA, LOLO, AND BEAVERHEAD-DEERLODGE NATIONAL FORESTS BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—The boundaries of the Forests are modified as depicted on the maps.

(2) MAPS.—

(A) AVAILABILITY.—The maps shall be on file and available for public inspection in—

(i) the Office of the Chief of the Forest Service; and

(ii) the office of the Regional Forester, Missoula, Montana.

(B) CORRECTION AUTHORITY.—The Secretary may make technical corrections to the maps.

(3) ADMINISTRATION.—Any land or interest in land acquired within the boundaries of the Forests for National Forest System purposes shall be managed in accordance with—

(A) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(B) the laws (including regulations) applicable to the National Forest System.

(4) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Forests, as adjusted under paragraph (1), shall be considered to be the boundaries of the Forests as of January 1, 1965.

(5) EFFECT.—Nothing in this section limits the authority of the Secretary to adjust the boundaries of the Forests under section 11 of the Act of March 1, 1911 (16 U.S.C. 521).

Illinois.  
Grant.

SEC. 350. In addition to amounts provided to the Department of the Interior in this Act, \$5,000,000 is provided for a grant to Kendall County, Illinois.

#### TITLE IV—SUPPLEMENTAL APPROPRIATIONS FOR URGENT WILDLAND FIRE SUPPRESSION ACTIVITIES

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF LAND MANAGEMENT

##### WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$100,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: *Provided*, That such funds shall only become available if funds provided for wildland fire suppression in title I of this Act will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: *Provided further*, That cost containment measures shall be implemented within this

Reports.  
Deadline.

account for fiscal year 2005, and the Secretary of the Interior and the Secretary of Agriculture shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: *Provided further*, That Public Law 108-287, title X, chapter 3 is amended under the heading “Department of the Interior, Bureau of Land Management, Wildland Fire Management”, by striking the phrases “for fiscal year 2004” and “related to the fiscal year 2004 fire season” in the text preceding the first proviso.

*Ante*, p. 1012.

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

#### WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$400,000,000, to remain available until expended, for urgent wildland fire suppression activities pursuant to section 312 of S. Con. Res. 95 (108th Congress) as made applicable to the House of Representatives by H. Res. 649 (108th Congress) and applicable to the Senate by section 14007 of Public Law 108-287: *Provided*, That such funds shall only become available if funds provided for wildland fire suppression in title II of this Act will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations and the House and Senate Committees on the Budget in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression: *Provided further*, That cost containment measures shall be implemented within this account for fiscal year 2005, and the Secretary of Agriculture and the Secretary of the Interior shall submit a joint report to the Committees on Appropriations of the Senate and the House of Representatives on such cost containment measures by December 31, 2005: *Provided further*, That the Secretary of Agriculture shall establish an independent cost-control review panel to examine and report on fire suppression costs for individual wildfire incidents that exceed \$10,000,000 in cost: *Provided further*, That if the independent review panel report finds that appropriate actions were not taken to control suppression costs for one or more such wildfire incidents, then an amount equal to the aggregate estimated excess costs of suppressing those wildfire incidents shall be transferred to the Treasury from unobligated balances remaining at the end of fiscal year 2005 in the Wildland Fire Management account: *Provided further*, That Public Law 108-287, title X, chapter 3 is amended under the heading “Department of Agriculture, Forest Service, Wildland Fire Management”, by striking the phrases “for fiscal year 2004” and “related to the fiscal year 2004 fire season” in the text preceding the first proviso.

Applicability.

Applicability.

Reports.  
Deadline.

Establishment.  
Reports.

*Ante*, p. 1012.

## TITLE V

SEC. 501. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.594 percent of—

(1) the budget authority provided for fiscal year 2005 for any discretionary account in this Act; and

\* \* \* \* \*



(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in the Department of the Interior and Related Agencies Appropriations Act, 2004.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

Applicability.

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading "Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians", the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2005, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

This division may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2005".

Departments of  
Labor, Health  
and Human  
Services, and  
Education, and  
Related Agencies  
Appropriations  
Act, 2005.  
Department of  
Labor  
Appropriations  
Act, 2005.

## DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

### TITLE I—DEPARTMENT OF LABOR

#### EMPLOYMENT AND TRAINING ADMINISTRATION

#### TRAINING AND EMPLOYMENT SERVICES

#### (INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; \$2,898,957,000 plus reimbursements, of which \$1,885,794,000 is available for obligation for the period July 1, 2005 through June 30, 2006; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2004 until expended; of which \$994,242,000 is available for obligation for the period April 1, 2005 through June 30, 2006, to carry out chapter 4 of the Act; and of which \$16,321,000 is available for the period July 1, 2005 through June 30, 2008 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$283,371,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,196,048,000 shall be for activities described in section



SEC. 426. (a) **WAIVER OF REQUIREMENTS.**—Subject to subsection (b), the limitation on the release of funds in section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304) shall not apply to the Village of Chickasaw Sewer Collection and Treatment System, located in the Village of Chickasaw, Mercer County, Ohio.

(b) **APPLICABILITY.**—Subsection (a) only applies to the grant that was awarded to the Village of Chickasaw (Ohio Small Cities CDBG Grant # C-W-03-283-1), for the period beginning September 1, 2003, and ending October 31, 2005, and in the amount of \$600,000.

(c) **ENVIRONMENTAL REVIEWS.**—Notwithstanding the provisions of this section, the Village of Chickasaw must complete all appropriate environment reviews in a timely manner and to the satisfaction of the State of Ohio.

This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2005”.

## DIVISION J—OTHER MATTERS

### TITLE I—MISCELLANEOUS PROVISIONS AND OFFSETS

SEC. 101. For an additional amount for the Department of Energy for the weatherization assistance program pursuant to 42 U.S.C. 6861 et seq. and notwithstanding section 3003(d)(2) of Public Law 99-509, \$230,000,000, to remain available until expended.

SEC. 102. Section 1201(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) is amended by striking “\$300,000,000” in the matter preceding paragraph (1) and inserting “\$500,000,000”.

SEC. 103. (a) The District of Columbia Appropriations Act, 2005 (Public Law 108-335) is amended as follows:

(1) The paragraph under the heading “CAPITAL OUTLAY” is amended by striking “For construction projects, an increase of \$1,087,649,000, of which \$839,898,000 shall be from local funds, \$38,542,000 from Highway Trust funds, \$37,000,000 from the Rights-of-way funds, \$172,209,000 from Federal grant funds, and a rescission of \$361,763,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$725,886,000, to remain available until expended;” and inserting “For construction projects, an increase of \$1,102,039,000, of which \$839,898,000 shall be from local funds, \$38,542,000 from Highway Trust funds, \$51,390,000 from the Rights-of-way funds, \$172,209,000 from Federal grant funds, and a rescission of \$361,763,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$740,276,000, to remain available until expended;”.

(2) Section 340(a) is amended to read as follows:

“(a) Section 603(e)(3)(E) of the Student Loan Marketing Association Reorganization Act of 1996 (20 U.S.C. 1155(e)(3)(E)) is amended—

“(1) by striking ‘and’ at the end of subclause (II);

“(2) by striking the period at the end of subclause (III) and inserting ‘; and’; and

“(3) by adding at the end the following new subclause:

Miscellaneous  
Appropriations  
and Offsets Act,  
2005.

*Ante*, p. 2077.

*Ante*, p. 1338.

*Ante*, p. 1348.

SEC. 108. Notwithstanding any other provision of law, in addition to amounts otherwise made available in the Department of Defense Appropriations Act, 2005 (Public Law 108-287), an additional \$2,000,000 is hereby appropriated and shall be made available under the heading “Shipbuilding and Conversion, Navy”, only for the Secretary of the Navy for the purpose of acquiring a vessel with the Coast Guard registration number 225115: *Provided*, That the Secretary of the Navy shall provide for the transportation of the vessel from its present location: *Provided further*, That the Secretary of the Navy may lend, give, or otherwise dispose of the vessel at his election pursuant to 10 U.S.C. 2572, 7545, or 7306, or using such procedures as the Secretary deems appropriate, and to such recipient as the Secretary deems appropriate, without regard to these provisions.

**SEC. 109. DESIGNATION OF NATIONAL TREE.**

(a) **DESIGNATION.**—Chapter 3 of title 36, United States Code, is amended by adding at the end the following:

**“§ 305. National tree**

“The tree genus *Quercus*, commonly known as the oak tree, is the national tree.”.

(b) **CONFORMING AMENDMENTS.**—Such title is amended—

(1) in the table of contents for part A of subtitle I, by striking “, and March” and inserting “March, and Tree”;

(2) in the chapter heading for chapter 3, by striking “, AND MARCH” and inserting “MARCH, AND TREE”; and

(3) in the table of sections for chapter 3, by adding at the end the following:

“305. National tree.”.

SEC. 110. Section 204(g) of the Employee Retirement Income Security Act of 1974, as amended (29 U.S.C. 1054(g)) shall not apply at any time, whether before or after the enactment of this section, to an amendment adopted prior to June 7, 2004, by a (multiemployer) pension plan covering primarily employees working in the State of Alaska, to the extent that such amendment—

(1) provides for the suspension of the payment of benefits, modifies the conditions under which the payment of benefits is suspended, or suspends actuarial adjustments in benefit payments in accordance with section 203(a)(3)(B) of said Act (29 U.S.C. 1053(a)(3)(B)) and applicable regulations; and

(2) applies to participants who have not retired before the adoption of such amendment.

SEC. 111. (a) The head of each Federal agency or department shall—

(1) provide each new employee of the agency or department with educational and training materials concerning the United States Constitution as part of the orientation materials provided to the new employee; and

(2) provide educational and training materials concerning the United States Constitution to each employee of the agency or department on September 17 of each year.

(b) Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.

(c) Title 36 of the United States Code, is amended—

Government  
employees.  
36 USC 106 note.



(1) in section 106—

(A) in the heading, by inserting “Constitution Day and” before “Citizenship Day”;

(B) in subsection (a), by striking “is Citizenship Day.” and inserting “is designated as Constitution Day and Citizenship Day.”;

(C) in subsection (b)—

(i) by inserting “Constitution Day and” before “Citizenship Day”;

(ii) by striking “commemorates” and inserting “commemorate”; and

(iii) by striking “recognizes” and inserting “recognize”;

(D) in subsection (c), by inserting “Constitution Day and” before “Citizenship Day” both places such term appears; and

(E) in subsection (d), by inserting “Constitution Day and” before “Citizenship Day”; and

(2) in the item relating to section 106 of the table of contents, by inserting “Constitution Day and” before “Citizenship Day”.

(d) This section shall be without fiscal year limitation.

SEC. 112. (a) Notwithstanding any other provision of law or any contract: (1) the rates in effect on November 15, 2004, under the tariff (the “tariff”) required by FCC 94-116 (reduced three percent annually starting January 1, 2006) shall apply beginning 45 days after the date of enactment of this Act through December 31, 2009, to the sale and purchase of interstate switched wholesale service elements offered by any provider originating or terminating anywhere in the area (the “market”) described in section 4.7 of the tariff (collectively the “covered services”); (2) beginning April 1, 2005, through December 31, 2009, no provider of covered services may provide, and no purchaser of such services may obtain, covered services in the same contract with services other than those that originate or terminate in the market, if the covered services in the contract represent more than 5 percent of such contract’s total value; and (3) revenues collected hereunder (less costs) for calendar years 2005 through 2009 shall be used to support and expand the network in the market.

(b) Effective on the date of enactment of this Act: (1) the conditions described in FCC 95-334 and the related conditions imposed in FCC 94-116, FCC 95-427, and FCC 96-485; and (2) all pending proceedings relating to the tariff, shall terminate. Thereafter, the State regulatory commission with jurisdiction over the market shall treat all interexchange carriers serving the market the same with respect to the provision of intrastate services, with the goal of reducing regulation, and shall not require such carriers to file reports based on the Uniform System of Accounts.

(c) Any provider may file to enforce this section (including damages and injunctive relief) before the FCC (whose final order may be appealed under 47 U.S.C. 402(a)) or under 47 U.S.C. 207 if the FCC fails to issue a final order within 90 days of a filing. Nothing herein shall affect rate integration, carrier-of-last-resort obligations of any carrier or its successor, or the purchase of covered services by any rural telephone company (as defined in 47 U.S.C. 153(37)), or an affiliate under its control, for its provision of retail interstate interexchange services originating in the market.

Applicability.  
Deadline.

Effective date.



SEC. 113. Direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents may be made available for or in Libya, notwithstanding section 507 or similar provisions in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, or prior acts making appropriations for foreign operations, export financing, and related programs, if the President determines that to do so is important to the national security interests of the United States.

*Ante*, p. 444.

SEC. 114. (a) Section 146 of Public Law 108-199 is amended—

(1) by striking “section 386 of the Energy Policy Act of 2003” and inserting “section 116 of division C of Public Law 108-324”;

(2) by striking “, except that upon that Act becoming law, section 386 is amended through this Act.” and inserting “and section 116 of division C of Public Law 108-324 is amended.”;

(3) by striking “paragraph 386(b)(1)” and inserting “paragraph (b)(1) of section 116 of division C of Public Law 108-324”;

(4) by striking “paragraph 386(c)(2)” and inserting “paragraph (a)(2) of section 116 of division C of Public Law 108-324”; and

(5) by striking “paragraph 386(g)(4)” and inserting “paragraph (g)(4) of section 116 of division C of Public Law 108-324.”

*Ante*, p. 1226.

(b) Section 116 (b) of division C of Public Law 108-324, the Military Construction bill, is amended by adding a new paragraph as follows:

“(4) Such loan guarantee may be utilized only by the project chosen by the Federal Energy Regulatory Commission as the qualified project.”.

SEC. 115. Any unobligated amount appropriated pursuant to section 353(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-303), shall be made available to complete the project described in section 353(a) of that Act.

California.  
16 USC 431 note.

SEC. 116. (a) DESIGNATION OF NATIONAL VETERANS MEMORIAL.—The Mt. Soledad Veterans Memorial located within the Soledad Natural Park in San Diego, California, which consists of a 29 foot-tall cross and surrounding granite memorial walls containing plaques engraved with the names and photographs of veterans of the United States Armed Forces, is hereby designated as a national memorial honoring veterans of the United States Armed Forces.

Deadline.

(b) ACQUISITION AND ADMINISTRATION BY UNITED STATES.—Not later than 90 days after the date on which the City of San Diego, California, offers to donate the Mt. Soledad Veterans Memorial to the United States, the Secretary of the Interior shall accept, on behalf of the United States, all right, title, and interest of the City in and to the Mt. Soledad Veterans Memorial.

(c) ADMINISTRATION OF MEMORIAL.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of the Interior shall administer the Mt. Soledad Veterans Memorial as a unit of the National Park System, except that the Secretary shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance by the Association of the cross and surrounding granite memorial walls and plaques of the Memorial.

(d) **LEGAL DESCRIPTION.**—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map NO. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with a radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14'33" East (Record South 17 degrees 14'09" East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution NO. 216644 adopted August 25, 1976; thence North 39 degrees 59'24" East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by a survey prepared jointly by the City of San Diego and the Secretary of the Interior. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

**SEC. 117.** Notwithstanding any other provision of law, except section 551 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, \$80,000,000 of the funds appropriated for the Department of Defense for fiscal year 2005 may be transferred with the concurrence of the Secretary of Defense to the Department of State under "Peacekeeping Operations".

**SEC. 118.** In addition, for construction and related expenses of a facility for the United States Institute of Peace, \$100,000,000, to remain available until expended.

**SEC. 119.** Notwithstanding any other provision of law, in addition to amounts otherwise provided in this or any other Act for fiscal year 2005, the following amounts are appropriated: \$2,000,000 for the Helen Keller National Center for Deaf-Blind Youths and Adults for activities authorized under the Helen Keller National Center Act; and for the Department of Health and Human Services, Health Resources and Services Administration, \$1,000,000 for the Hospital for Special Surgery to establish a National Center for Musculoskeletal Research, New York, New York, for facilities and equipment; and for the Department of Health and Human Services, Health Resources and Services Administration, \$1,000,000 for the Jesse Helms Nursing Center at Union Regional Medical Center, Union County, North Carolina for facilities and equipment.

**SEC. 120.** In addition to any amounts provided in this or any other Act for fiscal year 2005, \$1,000,000 is appropriated for necessary expenses of the Benjamin A. Gilman Institute for Political and International Studies program at the State University of New York's Orange County Community College in Orange, New York.

**SEC. 121. WEIGHT LIMITATIONS.**

The next to the last sentence of section 127(a) of title 23, United States Code, is amended by striking "Interstate Route 95" and inserting "Interstate Routes 89, 93, and 95".



SEC. 122. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.80 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2005 for any discretionary account in divisions A through J of this Act and in any other fiscal year 2005 appropriation Act (except any fiscal year 2005 supplemental appropriation Act, the Department of Homeland Security Appropriations Act, 2005, the Department of Defense Appropriations Act, 2005, or the Military Construction Appropriations Act, 2005);

(2) the budget authority provided in any advance appropriation for fiscal year 2005 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2005 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

This title may be cited as the “Miscellaneous Appropriations and Offsets Act, 2005”.

## TITLE II—225TH ANNIVERSARY OF THE AMERICAN REVOLUTION COMMEMORATION ACT

### SEC. 201. SHORT TITLE.

This title may be cited as the “225th Anniversary of the American Revolution Commemoration Act”.

### SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The American Revolution, inspired by the spirit of liberty and independence among the inhabitants of the original 13 colonies of Great Britain, was an event of global significance having a profound and lasting effect upon American Government, laws, culture, society, and values.

(2) The years 2000 through 2008 mark the 225th anniversary of the Revolutionary War.

(3) Every generation of American citizens should have an opportunity to understand and appreciate the continuing legacy of the American Revolution.

(4) This 225th anniversary provides an opportunity to enhance public awareness and understanding of the impact of the American Revolution's legacy on the lives of citizens today.

(5) Although the National Park Service administers battlefields, historical parks, historic sites, and programs that address elements of the story of the American Revolution, there is a need to establish partnerships that link sites and programs

225th  
Anniversary of  
the American  
Revolution  
Commemoration  
Act.  
36 USC note  
prec. 101.  
36 USC note  
prec. 101.



administered by the National Park Service with those of other Federal and non-Federal entities in order to place the story of the American Revolution in the broad context of its causes, consequences, and meanings.

(6) The story and significance of the American Revolution can best engage the American people through a national program of the National Park Service that links historic structures and sites, routes, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) **PURPOSES.**—The purposes of this Act are as follows:

(1) To recognize the enduring importance of the American Revolution in the lives of American citizens today.

(2) To authorize the National Park Service to coordinate, connect, and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the American Revolution, its significance, and its relevance to the shape and spirit of American Government and society.

**SEC. 203. 225TH ANNIVERSARY OF THE AMERICAN REVOLUTION COMMEMORATION PROGRAM.**

36 USC note  
prec. 101.

(a) **IN GENERAL.**—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) shall establish a program to be known as the “225th Anniversary of the American Revolution Commemoration” (hereinafter in this Act referred to as the “225th Anniversary”). In administering the 225th Anniversary, the Secretary shall—

(1) produce and disseminate to appropriate persons educational materials, such as handbooks, maps, interpretive guides, or electronic information related to the 225th Anniversary and the American Revolution;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c);

(3) assist in the protection of resources associated with the American Revolution;

(4) enhance communications, connections, and collaboration among the National Park Service units and programs related to the Revolutionary War;

(5) expand the research base for American Revolution interpretation and education; and

(6) create and adopt an official, uniform symbol or device for the theme “Lighting Freedom’s Flame: American Revolution, 225th Anniversary” and issue regulations for its use.

Regulations.

(b) **ELEMENTS.**—The 225th Anniversary shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the American Revolution.

(2) Other governmental and nongovernmental sites, facilities, and programs of an educational, research, or interpretive nature that are documented to be directly related to the American Revolution.

(3) Through the Secretary of State, the participation of the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

\* \* \* \* \*

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the 225th Anniversary with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to, the following:

(1) The heads of other Federal agencies, States, units of local government, and private entities.

(2) In cooperation with the Secretary of State, the Governments of the United Kingdom, France, the Netherlands, Spain, and Canada.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this Act \$500,000 for each of fiscal years 2004 through 2009.

Rural Air Service  
Improvement Act  
of 2004.  
39 USC 101 note.

### TITLE III—RURAL AIR SERVICE IMPROVEMENTS

SEC. 301. (a) SHORT TITLE.—This title may be cited as the “Rural Air Service Improvement Act of 2004”.

(b) FURTHER AMENDMENTS.—The amendments made by this section are further amendments to section 5402 of title 39, United States Code, including the amendments made by section 3002 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (Public Law 107-206) to that section of title 39, United States Code.

(c) EXISTING MAINLINE CARRIERS.—Section 5402(a)(10) of title 39, United States Code, is amended by striking subparagraph (C) and inserting the following:

“(C) actually engaged in the carriage, on scheduled service within the State of Alaska, of mainline nonpriority bypass mail tendered to it under its designator code.”.

(d) NONPRIORITY BYPASS MAIL.—Section 5402(g) of title 39, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

“(g)(1)(A) The Postal Service, in selecting carriers of nonpriority bypass mail to any point served by more than 1 carrier in the State of Alaska, shall adhere to an equitable tender policy within a qualified group of carriers, in accordance with the regulations of the Postal Service, and shall, at a minimum, require that any such carrier—

“(i) hold a certificate of public convenience and necessity issued under section 41102(a) of title 49;

“(ii) operate at least to such point at least the number of scheduled flights each week established under subparagraph (B)(i);

“(iii) exhibit an adherence to such scheduled flights; and

“(iv) have provided scheduled service with at least the number of scheduled noncontract flights each week established under subparagraph (B)(ii) between 2 points within the State of Alaska for at least 12 consecutive months with aircraft—

“(I) up to 7,500 pounds payload capacity before being selected as a carrier of nonpriority bypass mail at an applicable intra-Alaska bush service mail rate; and

**SEC. 430. EFFECTIVE DATES.**

8 USC 1182 note.

(a) **IN GENERAL.**—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect 90 days after the date of enactment of this Act.

(b) **EXCEPTIONS.**—The amendments made by sections 422(b), 426(a), and 427 shall take effect upon the date of enactment of this Act.

## **TITLE V—NATIONAL AVIATION HERITAGE AREA**

National  
Aviation  
Heritage Area  
Act.**SEC. 501. SHORT TITLE.**

16 USC 461 note.

This title may be cited as the “National Aviation Heritage Area Act”.

**SEC. 502. FINDINGS AND PURPOSE.**

16 USC 461 note.

(a) **FINDINGS.**—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation’s economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation’s leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation’s cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase



collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: "Study of Alternatives: Dayton's Aviation Heritage", "Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study", "Dayton Aviation Heritage General Management Plan", "Dayton Historic Resources Preservation and Development Plan", and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal Government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

#### SEC. 503. DEFINITIONS.

16 USC 461 note.

For purposes of this title:

(1) **BOARD.**—The term “Board” means the Board of Directors of the Foundation.

(2) **FINANCIAL ASSISTANCE.**—The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) **HERITAGE AREA.**—The term “Heritage Area” means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Heritage Area developed under section 106.

(5) **MANAGEMENT ENTITY.**—The term “management entity” means the Aviation Heritage Foundation, Incorporated (a non-profit corporation established under the laws of the State of Ohio).

(6) **PARTNER.**—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

#### SEC. 504. NATIONAL AVIATION HERITAGE AREA.

16 USC 461 note.

(a) **ESTABLISHMENT.**—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

Ohio.  
Indiana.

(b) **BOUNDARIES.**—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air & Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) **MAP.**—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

#### SEC. 505. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

16 USC 461 note.

(a) **AUTHORITIES.**—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

(4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;

(5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;

(6) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;

(8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and

(9) for any year in which Federal funds have been received under this title—

(A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

Reports.  
Deadlines.



## SEC. 506. MANAGEMENT PLAN.

16 USC 461 note.

(a) **PREPARATION OF PLAN.**—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.

Deadline.

(b) **CONTENTS.**—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:

(1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.

(2) An assessment of cultural landscapes within the Heritage Area.

(3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.

(4) An interpretation plan for the Heritage Area.

(5) A program for implementation of the Management Plan by the management entity, including the following:

(A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.

(B) Assisting partners planning for restoration and construction.

(C) Specific commitments of the partners for the first 5 years of operation.

(6) The identification of sources of funding for implementing the plan.

(7) A description and evaluation of the management entity, including its membership and organizational structure.

(c) **DISQUALIFICATION FROM FUNDING.**—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.

(d) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.**—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Management Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

Deadline.

(e) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

Deadline.

(f) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

16 USC 461 note. **SEC. 507. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

16 USC 461 note. **SEC. 508. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.**

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

16 USC 461 note. **SEC. 509. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.



**SEC. 510. PRIVATE PROPERTY PROTECTION.**

16 USC 461 note.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 511. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 461 note.

(a) **IN GENERAL.**—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) **FIFTY PERCENT MATCH.**—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

**SEC. 512. SUNSET PROVISION.**

16 USC 461 note.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

**SEC. 513. WRIGHT COMPANY FACTORY STUDY AND REPORT.**

16 USC 461 note.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a special resource study updating the study required under section 104 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419) and detailing alternatives for incorporating the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park.

(2) **CONTENTS.**—The study shall include an analysis of alternatives for including the Wright Company factory as a unit of Dayton Aviation Heritage National Historical Park that detail management and development options and costs.

(3) **CONSULTATION.**—In conducting the study, the Secretary shall consult with the Delphi Corporation, the Aviation Heritage Foundation, State and local agencies, and other interested parties in the area.



(b) **REPORT.**—Not later than 3 years after funds are first made available for this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study conducted under this section.

Oil Region  
National  
Heritage Area  
Act.

## TITLE VI—OIL REGION NATIONAL HERITAGE AREA

16 USC 461 note.

### SEC. 601. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the “Oil Region National Heritage Area Act”.

(b) **DEFINITIONS.**—For the purposes of this title, the following definitions shall apply:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Oil Region National Heritage Area established in section 603(a).

(2) **MANAGEMENT ENTITY.**—The term “management entity” means the Oil Heritage Region, Inc., or its successor entity.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

16 USC 461 note.

### SEC. 602. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake’s drilling of the world’s first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102-271, traverses the Oil Region and connects several of its major sites, as do some of the river’s tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania,

volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) **PURPOSE.**—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner consistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

#### **SEC. 603. OIL REGION NATIONAL HERITAGE AREA.**

16 USC 461 note.

(a) **ESTABLISHMENT.**—There is hereby established the Oil Region National Heritage Area.

(b) **BOUNDARIES.**—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled “Oil Region National Heritage Area”, numbered OIRE/20,000 and dated October 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

Federal Register,  
publication.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 605(b).

#### **SEC. 604. COMPACT.**

16 USC 461 note.

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

#### **SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.**

16 USC 461 note.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

- (1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;
- (2) hiring and compensating staff; and
- (3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that—

- (1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;

(4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;

(7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and

(8) includes an interpretation plan for the Heritage Area.

(c) DEADLINE; TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;

(4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and



(5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

Reports.

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(e) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

**SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.**

16 USC 461 note.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—

(A) **OVERALL ASSISTANCE.**—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.

(B) **OTHER ASSISTANCE.**—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).

(2) **PRIORITY.**—In assisting the management entity, the Secretary shall give priority to actions that assist in the—

(A) implementation of the management plan;

(B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;

(C) development and application of techniques promoting the preservation of cultural and historic properties;

(D) preservation, restoration, and reuse of publicly and privately owned historic buildings;

(E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audio-visual and interactive exhibits, and educational curriculum materials for public education; and

(F) implementation of initiatives prior to approval of the management plan.

(3) **DOCUMENTATION OF STRUCTURES.**—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

Deadline.

(b) **APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.**—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.

(c) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

Deadline.

(d) **APPROVING CHANGES.**—The Secretary shall review and approve amendments to the management plan under section 605(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.

(e) **EFFECT OF INACTION.**—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

16 USC 461 note. **SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.**

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

16 USC 461 note. **SEC. 608. SUNSET.**

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

**SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.** 16 USC 461 note.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 610. PRIVATE PROPERTY PROTECTION.**

16 USC 461 note.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 611. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

16 USC 461 note.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

**SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 461 note.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title—

(1) not more than \$1,000,000 for any fiscal year; and

(2) not more than a total of \$10,000,000.

(b) **50 PERCENT MATCH.**—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.



Mississippi Gulf  
Coast National  
Heritage Area  
Act.

16 USC 461 note.

## TITLE VII—MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA ACT

### SEC. 701. SHORT TITLE.

This title may be cited as the “Mississippi Gulf Coast National Heritage Area Act”.

16 USC 461 note.

### SEC. 702. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) the 6-county area in southern Mississippi located on the Gulf of Mexico and in the Mississippi Coastal Plain has a unique identity that is shaped by—

(A) the coastal and riverine environment; and

(B) the diverse cultures that have settled in the area;

(2) the area is rich with diverse cultural and historical significance, including—

(A) early Native American settlements; and

(B) Spanish, French, and English settlements originating in the 1600s;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and other interested individuals for the establishment of the Mississippi Gulf Coast National Heritage Area to coordinate and assist in the preservation and interpretation of those resources;

(5) the Comprehensive Resource Management Plan, coordinated by the Mississippi Department of Marine Resources—

(A) is a collaborative effort of the Federal Government and State and local governments in the area; and

(B) is a natural foundation on which to establish the Heritage Area; and

(6) establishment of the Heritage Area would assist local communities and residents in preserving the unique cultural, historical, and natural resources of the area.

16 USC 461 note.

### SEC. 703. DEFINITIONS.

In this Act:

(1) **HERITAGE AREA.**—The term “Heritage Area” means the Mississippi Gulf Coast National Heritage Area established by section 4(a).

(2) **COORDINATING ENTITY.**—The term “coordinating entity” means the coordinating entity for the Heritage Area designated by section 4(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 5.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Mississippi.

16 USC 461 note.

### SEC. 704. MISSISSIPPI GULF COAST NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the State the Mississippi Gulf Coast National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the counties of Pearl River, Stone, George, Hancock, Harrison, and Jackson in the State.

(c) **COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Mississippi Department of Marine Resources, in consultation with the Mississippi Department of Archives and History, shall serve as the coordinating entity for the Heritage Area.

(2) **OVERSIGHT COMMITTEE.**—The coordinating entity shall ensure that each of the 6 counties included in the Heritage Area is appropriately represented on any oversight committee.

#### SEC. 705. MANAGEMENT PLAN.

16 USC 461 note.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the coordinating entity shall develop and submit to the Secretary a management plan for the Heritage Area.

Deadline.

(b) **REQUIREMENTS.**—The management plan shall—

(1) provide recommendations for the conservation, funding, management, interpretation, and development of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(2) identify sources of funding for the Heritage Area;

(3) include—

(A) an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(B) an analysis of ways in which Federal, State, tribal, and local programs may best be coordinated to promote the purposes of this Act;

(4) provide recommendations for educational and interpretive programs to inform the public about the resources of the Heritage Area; and

(5) involve residents of affected communities and tribal and local governments.

(c) **FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in subsection (a), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(d) **APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the coordinating entity in writing of the reasons for disapproval;

(B) make recommendations for revision of the management plan; and

(C) allow the coordinating entity to submit to the Secretary revisions to the management plan.

(e) **REVISION.**—After approval by the Secretary of the management plan, the coordinating entity shall periodically—

(1) review the management plan; and

(2) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

#### SEC. 706. AUTHORITIES AND DUTIES OF COORDINATING ENTITY.

16 USC 461 note.

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan and otherwise carrying out this

Act, the coordinating entity may make grants to and provide technical assistance to tribal and local governments, and other public and private entities.

(b) **DUTIES.**—In addition to developing the management plan under section 5, in carrying out this Act, the coordinating entity shall—

- (1) implement the management plan; and
- (2) assist local and tribal governments and non-profit organizations in—

- (A) establishing and maintaining interpretive exhibits in the Heritage Area;

- (B) developing recreational resources in the Heritage Area;

- (C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological, and natural resources of the Heritage Area;

- (D) restoring historic structures that relate to the Heritage Area; and

- (E) carrying out any other activity that the coordinating entity determines to be appropriate to carry out this Act, consistent with the management plan;

- (3) conduct public meetings at least annually regarding the implementation of the management plan; and

- (4) for any fiscal year for which Federal funds are made available under section 9—

Reports.

- (A) submit to the Secretary a report that describes, for the fiscal year, the actions of the coordinating entity in carrying out this Act;

- (B) make available to the Secretary for audit all records relating to the expenditure of funds and any matching funds; and

- (C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available to the Secretary for audit all records relating to the expenditure of the funds.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The coordinating entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

16 USC 461 note.

**SEC. 707. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) **IN GENERAL.**—On the request of the coordinating entity, the Secretary may provide technical and financial assistance to the coordinating entity for use in the development and implementation of the management plan.

(b) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the provision of technical or financial assistance under this section, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

16 USC 461 note.

**SEC. 708. EFFECT OF ACT.**

Nothing in this Act—

- (1) affects or authorizes the coordinating entity to interfere with—

- (A) the right of any person with respect to private property; or

- (B) any local zoning ordinance or land use plan;



(2) restricts an Indian tribe from protecting cultural or religious sites on tribal land;

(3) modifies, enlarges, or diminishes the authority of any State, tribal, or local government to regulate any use of land under any other law (including regulations);

(4)(A) modifies, enlarges, or diminishes the authority of the State to manage fish and wildlife in the Heritage Area, including the regulation of fishing and hunting; or

(B) authorizes the coordinating entity to assume any management authorities over such lands; or

(5) diminishes the trust responsibilities or government-to-government obligations of the United States to any federally recognized Indian tribe.

#### SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

16 USC 461 note.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

### VIII—FEDERAL LANDS RECREATION ENHANCEMENT ACT

Federal Lands  
Recreation  
Enhancement  
Act.  
16 USC 6801  
note.

#### SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This title may be cited as the “Federal Lands Recreation Enhancement Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 801. Short title and table of contents.
- Sec. 802. Definitions.
- Sec. 803. Recreation fee authority.
- Sec. 804. Public participation.
- Sec. 805. Recreation passes.
- Sec. 806. Cooperative agreements.
- Sec. 807. Special account and distribution of fees and revenues.
- Sec. 808. Expenditures.
- Sec. 809. Reports.
- Sec. 810. Sunset provision.
- Sec. 811. Volunteers.
- Sec. 812. Enforcement and protection of receipts.
- Sec. 813. Repeal of superseded admission and use fee authorities.
- Sec. 814. Relation to other laws and fee collection authorities.
- Sec. 815. Limitation on use of fees for employee bonuses.

#### SEC. 802. DEFINITIONS.

16 USC 6801.

In this Act:

(1) **STANDARD AMENITY RECREATION FEE.**—The term “standard amenity recreation fee” means the recreation fee authorized by section 3(f).

(2) **EXPANDED AMENITY RECREATION FEE.**—The term “expanded amenity recreation fee” means the recreation fee authorized by section 3(g).

(3) **ENTRANCE FEE.**—The term “entrance fee” means the recreation fee authorized to be charged to enter onto lands managed by the National Park Service or the United States Fish and Wildlife Service.

(4) **FEDERAL LAND MANAGEMENT AGENCY.**—The term “Federal land management agency” means the National Park Service, the United States Fish and Wildlife Service, the Bureau

of Land Management, the Bureau of Reclamation, or the Forest Service.

(5) **FEDERAL RECREATIONAL LANDS AND WATERS.**—The term “Federal recreational lands and waters” means lands or waters managed by a Federal land management agency.

(6) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—The term “National Parks and Federal Recreational Lands Pass” means the interagency national pass authorized by section 5.

(7) **PASSHOLDER.**—The term “passholder” means the person who is issued a recreation pass.

(8) **RECREATION FEE.**—The term “recreation fee” means an entrance fee, standard amenity recreation fee, expanded amenity recreation fee, or special recreation permit fee.

(9) **RECREATION PASS.**—The term “recreation pass” means the National Parks and Federal Recreational Lands Pass or one of the other recreation passes available as authorized by section 5.

(10) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of the Interior, with respect to a Federal land management agency (other than the Forest Service); and

(B) the Secretary of Agriculture, with respect to the Forest Service.

(11) **SECRETARIES.**—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture acting jointly.

(12) **SPECIAL ACCOUNT.**—The term “special account” means the special account established in the Treasury under section 7 for a Federal land management agency.

(13) **SPECIAL RECREATION PERMIT FEE.**—The term “special recreation permit fee” means the fee authorized by section 3(h).

16 USC 6802.

#### **SEC. 803. RECREATION FEE AUTHORITY.**

(a) **AUTHORITY OF SECRETARY.**—Beginning in fiscal year 2005 and thereafter, the Secretary may establish, modify, charge, and collect recreation fees at Federal recreational lands and waters as provided for in this section.

(b) **BASIS FOR RECREATION FEES.**—Recreation fees shall be established in a manner consistent with the following criteria:

(1) The amount of the recreation fee shall be commensurate with the benefits and services provided to the visitor.

(2) The Secretary shall consider the aggregate effect of recreation fees on recreation users and recreation service providers.

(3) The Secretary shall consider comparable fees charged elsewhere and by other public agencies and by nearby private sector operators.

(4) The Secretary shall consider the public policy or management objectives served by the recreation fee.

(5) The Secretary shall obtain input from the appropriate Recreation Resource Advisory Committee, as provided in section 4(d).

(6) The Secretary shall consider such other factors or criteria as determined appropriate by the Secretary.

(c) SPECIAL CONSIDERATIONS.—The Secretary shall establish the minimum number of recreation fees and shall avoid the collection of multiple or layered recreation fees for similar uses, activities, or programs.

(d) LIMITATIONS ON RECREATION FEES.—

(1) PROHIBITION ON FEES FOR CERTAIN ACTIVITIES OR SERVICES.—The Secretary shall not charge any standard amenity recreation fee or expanded amenity recreation fee for Federal recreational lands and waters administered by the Bureau of Land Management, the Forest Service, or the Bureau of Reclamation under this Act for any of the following:

(A) Solely for parking, undesignated parking, or picnicking along roads or trailsides.

(B) For general access unless specifically authorized under this section.

(C) For dispersed areas with low or no investment unless specifically authorized under this section.

(D) For persons who are driving through, walking through, boating through, horseback riding through, or hiking through Federal recreational lands and waters without using the facilities and services.

(E) For camping at undeveloped sites that do not provide a minimum number of facilities and services as described in subsection (g)(2)(A).

(F) For use of overlooks or scenic pullouts.

(G) For travel by private, noncommercial vehicle over any national parkway or any road or highway established as a part of the Federal-aid System, as defined in section 101 of title 23, United States Code, which is commonly used by the public as a means of travel between two places either or both of which are outside any unit or area at which recreation fees are charged under this Act.

(H) For travel by private, noncommercial vehicle, boat, or aircraft over any road or highway, waterway, or airway to any land in which such person has any property right if such land is within any unit or area at which recreation fees are charged under this Act.

(I) For any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.

(J) For any person who is engaged in the conduct of official Federal, State, Tribal, or local government business.

(K) For special attention or extra services necessary to meet the needs of the disabled.

(2) RELATION TO FEES FOR USE OF HIGHWAYS OR ROADS.—An entity that pays a special recreation permit fee or similar permit fee shall not be subject to a road cost-sharing fee or a fee for the use of highways or roads that are open to private, noncommercial use within the boundaries of any Federal recreational lands or waters, as authorized under section 6 of Public Law 88-657 (16 U.S.C. 537; commonly known as the Forest Roads and Trails Act).

(3) PROHIBITION ON FEES FOR CERTAIN PERSONS OR PLACES.—The Secretary shall not charge an entrance fee or standard amenity recreation fee for the following:

(A) Any person under 16 years of age.



(B) Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions.

(C) The U.S.S. Arizona Memorial, Independence National Historical Park, any unit of the National Park System within the District of Columbia, or Arlington House-Robert E. Lee National Memorial.

(D) The Flight 93 National Memorial.

(E) Entrance on other routes into the Great Smoky Mountains National Park or any part thereof unless fees are charged for entrance into that park on main highways and thoroughfares.

(F) Entrance on units of the National Park System containing deed restrictions on charging fees.

(G) An area or unit covered under section 203 of the Alaska National Interest Lands Conservation Act (Public Law 96-487; 16 U.S.C. 410hh-2), with the exception of Denali National Park and Preserve.

(H) A unit of the National Wildlife Refuge System created, expanded, or modified by the Alaska National Interest Lands Conservation Act (Public Law 96-487).

(I) Any person who visits a unit or area under the jurisdiction of the United States Fish and Wildlife Service and who has been issued a valid migratory bird hunting and conservation stamp issued under section 2 of the Act of March 16, 1934 (16 U.S.C. 718b; commonly known as the Duck Stamp Act).

(J) Any person engaged in a nonrecreational activity authorized under a valid permit issued under any other Act, including a valid grazing permit.

(4) NO RESTRICTION ON RECREATION OPPORTUNITIES.—Nothing in this Act shall limit the use of recreation opportunities only to areas designated for collection of recreation fees.

(e) ENTRANCE FEE.—

(1) AUTHORIZED SITES FOR ENTRANCE FEES.—The Secretary of the Interior may charge an entrance fee for a unit of the National Park System, including a national monument administered by the National Park Service, or for a unit of the National Wildlife Refuge System.

(2) PROHIBITED SITES.—The Secretary shall not charge an entrance fee for Federal recreational lands and waters managed by the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service.

(f) STANDARD AMENITY RECREATION FEE.—Except as limited by subsection (d), the Secretary may charge a standard amenity recreation fee for Federal recreational lands and waters under the jurisdiction of the Bureau of Land Management, the Bureau of Reclamation, or the Forest Service, but only at the following:

(1) A National Conservation Area.

(2) A National Volcanic Monument.

(3) A destination visitor or interpretive center that provides a broad range of interpretive services, programs, and media.

(4) An area—

(A) that provides significant opportunities for outdoor recreation;

(B) that has substantial Federal investments;

(C) where fees can be efficiently collected; and

(D) that contains all of the following amenities:

- (i) Designated developed parking.
- (ii) A permanent toilet facility.
- (iii) A permanent trash receptacle.
- (iv) Interpretive sign, exhibit, or kiosk.
- (v) Picnic tables.
- (vi) Security services.

(g) EXPANDED AMENITY RECREATION FEE.—

(1) NPS AND USFWS AUTHORITY.—Except as limited by subsection (d), the Secretary of the Interior may charge an expanded amenity recreation fee, either in addition to an entrance fee or by itself, at Federal recreational lands and waters under the jurisdiction of the National Park Service or the United States Fish and Wildlife Service when the Secretary of the Interior determines that the visitor uses a specific or specialized facility, equipment, or service.

(2) OTHER FEDERAL LAND MANAGEMENT AGENCIES.—Except as limited by subsection (d), the Secretary may charge an expanded amenity recreation fee, either in addition to a standard amenity fee or by itself, at Federal recreational lands and waters under the jurisdiction of the Forest Service, the Bureau of Land Management, or the Bureau of Reclamation, but only for the following facilities or services:

(A) Use of developed campgrounds that provide at least a majority of the following:

- (i) Tent or trailer spaces.
- (ii) Picnic tables.
- (iii) Drinking water.
- (iv) Access roads.
- (v) The collection of the fee by an employee or agent of the Federal land management agency.
- (vi) Reasonable visitor protection.
- (vii) Refuse containers.
- (viii) Toilet facilities.
- (ix) Simple devices for containing a campfire.

(B) Use of highly developed boat launches with specialized facilities or services such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms and other improvements such as boarding floats, loading ramps, or fish cleaning stations.

(C) Rental of cabins, boats, stock animals, lookouts, historic structures, group day-use or overnight sites, audio tour devices, portable sanitation devices, binoculars or other equipment.

(D) Use of hookups for electricity, cable, or sewer.

(E) Use of sanitary dump stations.

(F) Participation in an enhanced interpretive program or special tour.

(G) Use of reservation services.

(H) Use of transportation services.

(I) Use of areas where emergency medical or first-aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the Federal Government.

(J) Use of developed swimming sites that provide at least a majority of the following:

- (i) Bathhouse with showers and flush toilets.
- (ii) Refuse containers.

- (iii) Picnic areas.
- (iv) Paved parking.
- (v) Attendants, including lifeguards.
- (vi) Floats encompassing the swimming area.
- (vii) Swimming deck.

(h) **SPECIAL RECREATION PERMIT FEE.**—The Secretary may issue a special recreation permit, and charge a special recreation permit fee in connection with the issuance of the permit, for specialized recreation uses of Federal recreational lands and waters, such as group activities, recreation events, motorized recreational vehicle use.

16 USC 6803.

**SEC. 804. PUBLIC PARTICIPATION.**

(a) **IN GENERAL.**—As required in this section, the Secretary shall provide the public with opportunities to participate in the development of or changing of a recreation fee established under this Act.

Federal Register,  
publication.

(b) **ADVANCE NOTICE.**—The Secretary shall publish a notice in the Federal Register of the establishment of a new recreation fee area for each agency 6 months before establishment. The Secretary shall publish notice of a new recreation fee or a change to an existing recreation fee established under this Act in local newspapers and publications located near the site at which the recreation fee would be established or changed.

(c) **PUBLIC INVOLVEMENT.**—Before establishing any new recreation fee area, the Secretary shall provide opportunity for public involvement by—

Guidelines.

- (1) establishing guidelines for public involvement;
- (2) establishing guidelines on how agencies will demonstrate on an annual basis how they have provided information to the public on the use of recreation fee revenues; and
- (3) publishing the guidelines in paragraphs (1) and (2) in the Federal Register.

Federal Register,  
publication.**(d) RECREATION RESOURCE ADVISORY COMMITTEE.**—**(1) ESTABLISHMENT.**—

(A) **AUTHORITY TO ESTABLISH.**—Except as provided in subparagraphs (C) and (D), the Secretary or the Secretaries shall establish a Recreation Resource Advisory Committee in each State or region for Federal recreational lands and waters managed by the Forest Service or the Bureau of Land Management to perform the duties described in paragraph (2).

(B) **NUMBER OF COMMITTEES.**—The Secretary may have as many additional Recreation Resource Advisory Committees in a State or region as the Secretary considers necessary for the effective operation of this Act.

(C) **EXCEPTION.**—The Secretary shall not establish a Recreation Resource Advisory Committee in a State if the Secretary determines, in consultation with the Governor of the State, that sufficient interest does not exist to ensure that participation on the Committee is balanced in terms of the points of view represented and the functions to be performed.

(D) **USE OF OTHER ENTITIES.**—In lieu of establishing a Recreation Resource Advisory Committee under subparagraph (A), the Secretary may use a Resource Advisory Committee established pursuant to another provision of



law and in accordance with that law or a recreation fee advisory board otherwise established by the Secretary to perform the duties specified in paragraph (2).

(2) DUTIES.—In accordance with the procedures required by paragraph (9), a Recreation Resource Advisory Committee may make recommendations to the Secretary regarding a standard amenity recreation fee or an expanded amenity recreation fee, whenever the recommendations relate to public concerns in the State or region covered by the Committee regarding—

(A) the implementation of a standard amenity recreation fee or an expanded amenity recreation fee or the establishment of a specific recreation fee site;

(B) the elimination of a standard amenity recreation fee or an expanded amenity recreation fee; or

(C) the expansion or limitation of the recreation fee program.

(3) MEETINGS.—A Recreation Resource Advisory Committee shall meet at least annually, but may, at the discretion of the Secretary, meet as often as needed to deal with citizen concerns about the recreation fee program in a timely manner.

(4) NOTICE OF REJECTION.—If the Secretary rejects the recommendation of a Recreation Resource Advisory Committee, the Secretary shall issue a notice that identifies the reasons for rejecting the recommendation to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 30 days before the Secretary implements a decision pertaining to that recommendation.

Deadline.

(5) COMPOSITION OF THE ADVISORY COMMITTEE.—

(A) NUMBER.—A Recreation Resource Advisory Committee shall be comprised of 11 members.

(B) NOMINATIONS.—The Governor and the designated county official from each county in the relevant State or Region may submit a list of nominations in the categories described under subparagraph (D).

(C) APPOINTMENT.—The Secretary may appoint members of the Recreation Resource Advisory Committee from the list as provided in subparagraph (B).

(D) BROAD AND BALANCED REPRESENTATION.—In appointing the members of a Recreation Resource Advisory Committee, the Secretary shall provide for a balanced and broad representation from the recreation community that shall include the following:

(i) Five persons who represent recreation users and that include, as appropriate, persons representing the following:

(I) Winter motorized recreation, such as snowmobiling.

(II) Winter non-motorized recreation, such as snowshoeing, cross country and down hill skiing, and snowboarding.

(III) Summer motorized recreation, such as motorcycles, boaters, and off-highway vehicles.

(IV) Summer nonmotorized recreation, such as backpacking, horseback riding, mountain biking, canoeing, and rafting.

- (V) Hunting and fishing.
- (ii) Three persons who represent interest groups that include, as appropriate, the following:
  - (I) Motorized outfitters and guides.
  - (II) Non-motorized outfitters and guides.
  - (III) Local environmental groups.
- (iii) Three persons, as follows:
  - (I) State tourism official to represent the State.
  - (II) A person who represents affected Indian tribes.
  - (III) A person who represents affected local government interests.

**(6) TERM.—**

(A) **LENGTH OF TERM.**—The Secretary shall appoint the members of a Recreation Resource Advisory Committee for staggered terms of 2 and 3 years beginning on the date that the members are first appointed. The Secretary may reappoint members to subsequent 2- or 3-year terms.

(B) **EFFECT OF VACANCY.**—The Secretary shall make appointments to fill a vacancy on a Recreation Resource Advisory Committee as soon as practicable after the vacancy has occurred.

(C) **EFFECT OF UNEXPECTED VACANCY.**—Where an unexpected vacancy occurs, the Governor and the designated county officials from each county in the relevant State shall provide the Secretary with a list of nominations in the relevant category, as described under paragraph (5)(D), not later than two months after notification of the vacancy. To the extent possible, a vacancy shall be filled in the same category and term in which the original appointment was made.

(7) **CHAIRPERSON.**—The chairperson of a Recreation Resource Advisory Committee shall be selected by the majority vote of the members of the Committee.

(8) **QUORUM.**—Eight members shall constitute a quorum. A quorum must be present to constitute an official meeting of a Recreation Resource Advisory Committee.

(9) **APPROVAL PROCEDURES.**—A Recreation Resource Advisory Committee shall establish procedures for making recommendations to the Secretary. A recommendation may be submitted to the Secretary only if the recommendation is approved by a majority of the members of the Committee from each of the categories specified in paragraph (5)(D) and general public support for the recommendation is documented.

(10) **COMPENSATION.**—Members of the Recreation Resource Advisory Committee shall not receive any compensation.

**(11) PUBLIC PARTICIPATION IN THE RECREATION RESOURCE ADVISORY COMMITTEE.—**

(A) **NOTICE OF MEETINGS.**—All meetings of a Recreation Resource Advisory Committee shall be announced at least one week in advance in a local newspaper of record and the Federal Register, and shall be open to the public.

(B) **RECORDS.**—A Recreation Resource Advisory Committee shall maintain records of the meetings of the Recreation Resource Advisory Committee and make the records available for public inspection.

Newspaper,  
publication.  
Federal Register,  
publication.

Public  
information.

(12) **FEDERAL ADVISORY COMMITTEE ACT.**—A Recreation Resource Advisory Committee is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **MISCELLANEOUS ADMINISTRATIVE PROVISIONS REGARDING RECREATION FEES AND RECREATION PASSES.**—

(1) **NOTICE OF ENTRANCE FEES, STANDARD AMENITY RECREATION FEES, AND PASSES.**—The Secretary shall post clear notice of any entrance fee, standard amenity recreation fee, and available recreation passes at appropriate locations in each unit or area of a Federal land management agency where an entrance fee or a standard amenity recreation fee is charged. The Secretary shall include such notice in publications distributed at the unit or area.

(2) **NOTICE OF RECREATION FEE PROJECTS.**—To the extent practicable, the Secretary shall post clear notice of locations where work is performed using recreation fee or recreation pass revenues collected under this Act.

**SEC. 805. RECREATION PASSES.**

16 USC 6804.

(a) **AMERICA THE BEAUTIFUL—THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—

(1) **AVAILABILITY AND USE.**—The Secretaries shall establish, and may charge a fee for, an interagency national pass to be known as the “America the Beautiful—the National Parks and Federal Recreational Lands Pass”, which shall cover the entrance fee and standard amenity recreation fee for all Federal recreational lands and waters for which an entrance fee or a standard amenity recreation fee is charged.

(2) **IMAGE COMPETITION FOR RECREATION PASS.**—The Secretaries shall hold an annual competition to select the image to be used on the National Parks and Federal Recreational Lands Pass for a year. The competition shall be open to the public and used as a means to educate the American people about Federal recreational lands and waters.

(3) **NOTICE OF ESTABLISHMENT.**—The Secretaries shall publish a notice in the Federal Register when the National Parks and Federal Recreational Lands Pass is first established and available for purchase.

Federal Register,  
publication.

(4) **DURATION.**—The National Parks and Federal Recreational Lands Pass shall be valid for a period of 12 months from the date of the issuance of the recreation pass to a passholder, except in the case of the age and disability discounted passes issued under subsection (b).

(5) **PRICE.**—The Secretaries shall establish the price at which the National Parks and Federal Recreational Lands Pass will be sold to the public.

(6) **SALES LOCATIONS AND MARKETING.**—

(A) **IN GENERAL.**—The Secretary shall sell the National Parks and Federal Recreational Lands Pass at all Federal recreational lands and waters at which an entrance fee or a standard amenity recreation fee is charged and at such other locations as the Secretaries consider appropriate and feasible.

(B) **USE OF VENDORS.**—The Secretary may enter into fee management agreements as provided in section 6.



(C) **MARKETING.**—The Secretaries shall take such actions as are appropriate to provide for the active marketing of the National Parks and Federal Recreational Lands Pass.

(7) **ADMINISTRATIVE GUIDELINES.**—The Secretaries shall issue guidelines on administration of the National Parks and Federal Recreational Lands Pass, which shall include agreement on price, the distribution of revenues between the Federal land management agencies, the sharing of costs, benefits provided, marketing and design, adequate documentation for age and disability discounts under subsection (b), and the issuance of that recreation pass to volunteers. The Secretaries shall take into consideration all relevant visitor and sales data available in establishing the guidelines.

(8) **DEVELOPMENT AND IMPLEMENTATION AGREEMENTS.**—The Secretaries may enter into cooperative agreements with governmental and nongovernmental entities for the development and implementation of the National Parks and Federal Recreational Lands Pass Program.

(9) **PROHIBITION ON OTHER NATIONAL RECREATION PASSES.**—The Secretary may not establish any national recreation pass, except as provided in this section.

(b) **DISCOUNTED PASSES.**—

(1) **AGE DISCOUNT.**—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, at a cost of \$10.00, to any United States citizen or person domiciled in the United States who is 62 years of age or older, if the citizen or person provides adequate proof of such age and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the pass holder.

(2) **DISABILITY DISCOUNT.**—The Secretary shall make the National Parks and Federal Recreational Lands Pass available, without charge, to any United States citizen or person domiciled in the United States who has been medically determined to be permanently disabled for purposes of section 7(20)(B)(i) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(B)(i)), if the citizen or person provides adequate proof of the disability and such citizenship or residency. The National Parks and Federal Recreational Lands Pass made available under this subsection shall be valid for the lifetime of the passholder.

(c) **SITE-SPECIFIC AGENCY PASSES.**—The Secretary may establish and charge a fee for a site-specific pass that will cover the entrance fee or standard amenity recreation fee for particular Federal recreational lands and waters for a specified period not to exceed 12 months.

(d) **REGIONAL MULTIENTITY PASSES.**—

(1) **PASSES AUTHORIZED.**—The Secretary may establish and charge a fee for a regional multientity pass that will be accepted by one or more Federal land management agencies or by one or more governmental or nongovernmental entities for a specified period not to exceed 12 months. To include a Federal land management agency or governmental or nongovernmental entity over which the Secretary does not have jurisdiction, the Secretary shall obtain the consent of the head of such agency or entity.

(2) **REGIONAL MULTIENTITY PASS AGREEMENT.**—In order to establish a regional multientity pass under this subsection, the Secretary shall enter into a regional multientity pass agreement with all the participating agencies or entities on price, the distribution of revenues between participating agencies or entities, the sharing of costs, benefits provided, marketing and design, and the issuance of the pass to volunteers. The Secretary shall take into consideration all relevant visitor and sales data available when entering into this agreement.

(e) **DISCOUNTED OR FREE ADMISSION DAYS OR USE.**—The Secretary may provide for a discounted or free admission day or use of Federal recreational lands and waters.

(f) **EFFECT ON EXISTING PASSPORTS AND PERMITS.**—

(1) **EXISTING PASSPORTS.**—A passport issued under section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a) or title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995), such as the Golden Eagle Passport, the Golden Age Passport, the Golden Access Passport, and the National Parks Passport, that was valid on the day before the publication of the Federal Register notice required under subsection (a)(3) shall be valid in accordance with the terms agreed to at the time of issuance of the passport, to the extent practicable, and remain in effect until expired, lost, or stolen.

(2) **PERMITS.**—A permit issued under section 4 of the Land and Water Conservation Fund Act of 1965 that was valid on the day before the date of the enactment of this Act shall be valid and remain in effect until expired, revoked, or suspended.

#### SEC. 806. COOPERATIVE AGREEMENTS.

16 USC 6805.

(a) **FEE MANAGEMENT AGREEMENT.**—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a fee management agreement, including a contract, which may provide for a reasonable commission, reimbursement, or discount, with the following entities for the following purposes:

(1) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining fee collection and processing services, including visitor reservation services.

(2) With any governmental or nongovernmental entity, including those in a gateway community, for the purpose of obtaining emergency medical services.

(3) With any governmental entity, including those in a gateway community, to obtain law enforcement services.

(b) **REVENUE SHARING.**—A State or legal subdivision of a State that enters into an agreement with the Secretary under subsection (a) may share in a percentage of the revenues collected at the site in accordance with that fee management agreement.

(c) **COUNTY PROPOSALS.**—The Secretary shall consider any proposal submitted by a county to provide services described in subsection (a). If the Secretary decides not to enter into a fee management agreement with the county under subsection (a), the Secretary shall notify the county in writing of the decision, identifying the reasons for the decision. The fee management agreement may include cooperative site planning and management provisions.



16 USC 6806.

**SEC. 807. SPECIAL ACCOUNT AND DISTRIBUTION OF FEES AND REVENUES.**

(a) **SPECIAL ACCOUNT.**—The Secretary of the Treasury shall establish a special account in the Treasury for each Federal land management agency.

(b) **DEPOSITS.**—Subject to subsections (c), (d), and (e), revenues collected by each Federal land management agency under this Act shall—

(1) be deposited in its special account; and

(2) remain available for expenditure, without further appropriation, until expended.

(c) **DISTRIBUTION OF RECREATION FEES AND SINGLE-SITE AGENCY PASS REVENUES.**—

(1) **LOCAL DISTRIBUTION OF FUNDS.**—

(A) **RETENTION OF REVENUES.**—Not less than 80 percent of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management agency shall remain available for expenditure, without further appropriation, until expended at that unit or area.

(B) **REDUCTION.**—The Secretary may reduce the percentage allocation otherwise applicable under subparagraph (A) to a unit or area of a Federal land management agency, but not below 60 percent, for a fiscal year if the Secretary determines that the revenues collected at the unit or area exceed the reasonable needs of the unit or area for which expenditures may be made for that fiscal year.

(2) **AGENCY-WIDE DISTRIBUTION OF FUNDS.**—The balance of the recreation fees and site-specific agency pass revenues collected at a specific unit or area of a Federal land management and not distributed in accordance with paragraph (1) shall remain available to that Federal land management agency for expenditure on an agency-wide basis, without further appropriation, until expended.

(3) **OTHER AMOUNTS.**—Other amounts collected at other locations, including recreation fees collected by other entities or for a reservation service, shall remain available, without further appropriation, until expended in accordance with guidelines established by the Secretary.

(d) **DISTRIBUTION OF NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS REVENUES.**—Revenues collected from the sale of the National Parks and Federal Recreational Lands Pass shall be deposited in the special accounts established for the Federal land management agencies in accordance with the guidelines issued under section 5(a)(7).

(e) **DISTRIBUTION OF REGIONAL MULTIENTITY PASS REVENUES.**—Revenues collected from the sale of a regional multientity pass authorized under section 5(d) shall be deposited in each participating Federal land management agency's special account in accordance with the terms of the region multientity pass agreement for the regional multientity pass.

16 USC 6807.

**SEC. 808. EXPENDITURES.**

(a) **USE OF FEES AT SPECIFIC SITE OR AREA.**—Amounts available for expenditure at a specific site or area—



(1) shall be accounted for separately from the amounts collected;

(2) may be distributed agency-wide; and

(3) shall be used only for—

(A) repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;

(B) interpretation, visitor information, visitor service, visitor needs assessments, and signs;

(C) habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;

(D) law enforcement related to public use and recreation;

(E) direct operating or capital costs associated with the recreation fee program; and

(F) a fee management agreement established under section 6(a) or a visitor reservation service.

(b) **LIMITATION ON USE OF FEES.**—The Secretary may not use any recreation fees for biological monitoring on Federal recreational lands and waters under the Endangered Species Act of 1973 for listed or candidate species.

(c) **ADMINISTRATION, OVERHEAD, AND INDIRECT COSTS.**—The Secretary may use not more than an average of 15 percent of total revenues collected under this Act for administration, overhead, and indirect costs related to the recreation fee program by that Secretary.

(d) **TRANSITIONAL EXCEPTION.**—Notwithstanding any other provision of this Act, the Secretary may use amounts available in the special account of a Federal land management agency to supplement administration and marketing costs associated with—

(1) the National Parks and Federal Recreational Lands Pass during the 5-year period beginning on the date the joint guidelines are issued under section 5(a)(7); and

(2) a regional multientity pass authorized section 5(d) during the 5-year period beginning on the date the regional multientity pass agreement for that recreation pass takes effect.

#### SEC. 809. REPORTS.

16 USC 6808.

Not later than May 1, 2006, and every 3 years thereafter, the Secretary shall submit to Congress a report detailing the status of the recreation fee program conducted for Federal recreational lands and waters, including an evaluation of the recreation fee program, examples of projects that were funded using such fees, and future projects and programs for funding with fees, and containing any recommendations for changes in the overall fee system.

#### SEC. 810. SUNSET PROVISION.

16 USC 6809.

The authority of the Secretary to carry out this Act shall terminate 10 years after the date of the enactment of this Act.

#### SEC. 811. VOLUNTEERS.

16 USC 6810.

(a) **AUTHORITY TO USE VOLUNTEERS.**—The Secretary may use volunteers, as appropriate, to collect recreation fees and sell recreation passes.

(b) **WAIVER OR DISCOUNT OF FEES; SITE-SPECIFIC AGENCY PASS.**—In exchange for volunteer services, the Secretary may waive or discount an entrance fee, standard amenity recreation fee, or

an expanded amenity recreation fee that would otherwise apply to the volunteer or issue to the volunteer a site-specific agency pass authorized under section 5(c).

(c) **NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS.**—In accordance with the guidelines issued under section 5(a)(7), the Secretaries may issue a National Parks and Federal Recreational Lands Pass to a volunteer in exchange for significant volunteer services performed by the volunteer.

(d) **REGIONAL MULTIENTITY PASSES.**—The Secretary may issue a regional multientity pass authorized under section 5(d) to a volunteer in exchange for significant volunteer services performed by the volunteer, if the regional multientity pass agreement under which the regional multientity pass was established provides for the issuance of the pass to volunteers.

16 USC 6811.

**SEC. 812. ENFORCEMENT AND PROTECTION OF RECEIPTS.**

(a) **ENFORCEMENT AUTHORITY.**—The Secretary concerned shall enforce payment of the recreation fees authorized by this Act.

(b) **EVIDENCE OF NONPAYMENT.**—If the display of proof of payment of a recreation fee, or the payment of a recreation fee within a certain time period is required, failure to display such proof as required or to pay the recreation fee within the time period specified shall constitute nonpayment.

(c) **JOINT LIABILITY.**—The registered owner and any occupant of a vehicle charged with a nonpayment violation involving the vehicle shall be jointly liable for penalties imposed under this section, unless the registered owner can show that the vehicle was used without the registered owner's express or implied permission.

(d) **LIMITATION ON PENALTIES.**—The failure to pay a recreation fee established under this Act shall be punishable as a Class A or Class B misdemeanor, except that in the case of a first offense of nonpayment, the fine imposed may not exceed \$100, notwithstanding section 3571(e) of title 18, United States Code.

16 USC 6812.

**SEC. 813. REPEAL OF SUPERSEDED ADMISSION AND USE FEE AUTHORITIES.**

Federal Register,  
publication.

16 USC 4601-6a.

(a) **LAND AND WATER CONSERVATION FUND ACT.**—Subsections (a), (b), (c), (d), (e), (f), (g), and (i) of section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a et seq.) are repealed, except that the Secretary may continue to issue Golden Eagle Passports, Golden Age Passports, and Golden Access Passports under such section until the date the notice required by section 5(a)(3) is published in the Federal Register regarding the establishment of the National Parks and Federal Recreational Lands Pass.

16 USC 4601-6a.

(b) **RECREATIONAL FEE DEMONSTRATION PROGRAM.**—Section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), is repealed.

(c) **ADMISSION PERMITS FOR REFUGE UNITS.**—Section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) is repealed.

Effective date.

(d) **NATIONAL PARK PASSPORT, GOLDEN EAGLE PASSPORT, GOLDEN AGE PASSPORT, AND GOLDEN ACCESS PASSPORT.**—Effective on the date the notice required by section 5(a)(3) is published in the Federal Register, the following provisions of law authorizing the establishment of a national park passport program or the



establishment and sale of a national park passport, Golden Eagle Passport, Golden Age Passport, or Golden Access Passport are repealed:

(1) Section 502 of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5982).

(2) Title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995).

(e) TREATMENT OF UNOBLIGATED FUNDS.—

(1) LAND AND WATER CONSERVATION FUND SPECIAL ACCOUNTS.—Amounts in the special accounts established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(i)(1)) for Federal land management agencies that are unobligated on the date of the enactment of this Act shall be transferred to the appropriate special account established under section 7 and shall be available to the Secretary in accordance with this Act. A special account established under section 4(i)(1) of the Land and Water Conservation Fund Act of 1965 for a Federal agency that is not a Federal land management area, and the use of such special account, is not affected by the repeal of section 4 of the Land and Water Conservation Fund Act of 1965 by subsection (a) of this section.

(2) NATIONAL PARKS PASSPORT.—Any funds collected under title VI of the National Parks Omnibus Management Act of 1998 (Public Law 105-391; 16 U.S.C. 5991-5995) that are unobligated on the day before the publication of the Federal Register notice required under section 5(a)(3) shall be transferred to the special account of the National Park Service for use in accordance with this Act. The Secretary of the Interior may use amounts available in that special account to pay any outstanding administration, marketing, or close-out costs associated with the national parks passport.

(3) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Any funds collected in accordance with section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104-134; 16 U.S.C. 4601-6a), that are unobligated on the day before the date of the enactment of this Act shall be transferred to the appropriate special account and shall be available to the Secretary in accordance with this Act.

(4) ADMISSION PERMITS FOR REFUGE UNITS.—Any funds collected in accordance with section 201 of the Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3911) that are available as provided in subsection (c)(A) of such section and are unobligated on the day before the date of the enactment of this Act shall be transferred to the special account of the United States Fish and Wildlife Service for use in accordance with this Act.

(f) EFFECT OF REGULATIONS.—A regulation or policy issued under a provision of law repealed by this section shall remain in effect to the extent such a regulation or policy is consistent with the provisions of this Act until the Secretary issues a regulation, guideline, or policy under this Act that supersedes the earlier regulation.



16 USC 6813.

**SEC. 814. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.**

(a) **FEDERAL AND STATE LAWS UNAFFECTED.**—Nothing in this Act shall authorize Federal hunting or fishing licenses or fees or charges for commercial or other activities not related to recreation, affect any rights or authority of the States with respect to fish and wildlife, or repeal or modify any provision of law that permits States or political subdivisions of States to share in the revenues from Federal lands or, except as provided in subsection (b), any provision of law that provides that any fees or charges collected at particular Federal areas be used for or credited to specific purposes or special funds as authorized by that provision of law.

(b) **RELATION TO REVENUE ALLOCATION LAWS.**—Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

(1) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500).

(2) Section 13 of the Act of March 1, 1911 (16 U.S.C. 500; commonly known as the Weeks Act).

(3) The fourteenth paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1913 (16 U.S.C. 501).

(4) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(5) Title II of the Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.).

(6) Section 6 of the Act of June 14, 1926 (43 U.S.C. 869–4).

(7) Chapter 69 of title 31, United States Code.

(8) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s; commonly known as the Refuge Revenue Sharing Act).

(9) The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), except that the exception made for such Act by this subsection is unique and is not intended to be construed as precedent for amounts collected from the use of Federal lands under any other provision of law.

(10) Section 2 of the Boulder Canyon Project Adjustment Act (43 U.S.C. 618a).

(11) The Federal Water Project Recreation Act (16 U.S.C. 4601–12 et seq.).

(12) The first section of the Act of June 17, 1902, as amended or supplemented (43 U.S.C. 391).

(13) The Act of February 25, 1920 (30 U.S.C. 181 et seq.; commonly known as the Mineral Leasing Act).

(14) Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 31 U.S.C. 6901 note).

(15) Section 5(a) of the Lincoln County Land Act of 2000 (Public Law 106–298; 114 Stat. 1047).

(16) Any other provision of law relating to revenue allocation.

(c) **CONSIDERATION OF OTHER FUNDS COLLECTED.**—Amounts collected under any other law may not be disbursed under this Act.

\* \* \* \* \*

(d) **SOLE RECREATION FEE AUTHORITY.**—Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of law.

(e) **FEEES CHARGED BY THIRD PARTIES.**—Notwithstanding any other provision of this Act, a third party may charge a fee for providing a good or service to a visitor of a unit or area of the Federal land management agencies in accordance with any other applicable law or regulation.

(f) **MIGRATORY BIRD HUNTING STAMP ACT.**—Revenues from the stamp established under the Act of March 16, 1934 (16 U.S.C. 718 et seq.; commonly known as the Migratory Bird Hunting Stamp Act or Duck Stamp Act), shall not be covered by this Act.

**SEC. 815. LIMITATION ON USE OF FEES FOR EMPLOYEE BONUSES.** 16 USC 6814.

Notwithstanding any other provision of law, fees collected under the authorities of the Act may not be used for employee bonuses.

## **TITLE IX—SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT OF 2004**

Satellite Home  
Viewer Extension  
and  
Reauthorization  
Act of 2004.

### **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

(a) **SHORT TITLES.**—This title may be cited as the “Satellite Home Viewer Extension and Reauthorization Act of 2004” or the “W. J. (Billy) Tauzin Satellite Television Act of 2004”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

17 USC 101 note.

Sec. 1. Short titles; table of contents.

#### **TITLE I—STATUTORY LICENSE FOR SATELLITE CARRIERS**

Sec. 101. Extension of authority.

Sec. 102. Reporting of subscribers; significantly viewed and other signals; technical amendments.

Sec. 103. Statutory license for satellite carriers outside local markets.

Sec. 104. Statutory license for satellite retransmission of low power television stations.

Sec. 105. Definitions.

Sec. 106. Effect on certain proceedings.

Sec. 107. Statutory license for satellite carriers retransmitting superstation signals to commercial establishments.

Sec. 108. Expedited consideration of voluntary agreements to provide satellite secondary transmissions to local markets.

Sec. 109. Study.

Sec. 110. Additional study.

Sec. 111. Special rules.

Sec. 112. Technical amendment.

#### **TITLE II—FEDERAL COMMUNICATIONS COMMISSION OPERATIONS**

Sec. 201. Extension of retransmission consent exemption.

Sec. 202. Cable/satellite comparability.

Sec. 203. Carriage of local stations on a single dish.

Sec. 204. Replacement of distant signals with local signals.

Sec. 205. Additional notices to subscribers, networks, and stations concerning signal carriage.

Sec. 206. Privacy rights of satellite subscribers.

Sec. 207. Reciprocal bargaining obligations.

Sec. 208. Study of impact on cable television service.

Sec. 209. Reduction of required tests.

Sec. 210. Satellite carriage of television stations in noncontiguous States.

Sec. 211. Carriage of television signals to certain subscribers.

Sec. 212. Digital transition savings provision.

Sec. 213. Authorizing broadcast service in unserved areas of Alaska.

inserting “total work order or contract amount at the time of bond execution that does not exceed”.

(b) **AUDIT FREQUENCY.**—Section 411(g)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(g)(3)) is amended by striking “each year” and inserting “every three years”.

(c) **REPEAL.**—Section 207 of the Small Business Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is repealed.

**SEC. 204. EFFECTIVE DATE FOR CERTAIN FEES.**

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended by striking “, but” and all that follows through the end and inserting a period.

Approved December 8, 2004.

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**LEGISLATIVE HISTORY—H.R. 4818 (S. 2812):**

**HOUSE REPORTS:** Nos. 108-599 (Comm. on Appropriations) and 108-792 (Comm. of Conference).

**SENATE REPORTS:** No. 108-346 accompanying S. 2812 (Comm. on Appropriations).

**CONGRESSIONAL RECORD, Vol. 150 (2004):**

July 13, 15, considered and passed House.

Sept. 23, considered and passed Senate, amended, in lieu of S. 2812.

Nov. 20, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):**

Dec. 8, Presidential statement.





Public Law 108-479  
108th Congress

Joint Resolution

Recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there.

Dec. 21, 2004

[H.J. Res. 102]

Whereas on December 7, 1941, Imperial Japan bombed the United States fleet at Pearl Harbor, Hawaii, forcing the United States to declare war on Japan;

Whereas by 1944, United States victories in the Southwest and Central Pacific were bringing the war ever closer to Japan;

Whereas on September 15, 1944, after three days of naval gunfire, United States forces landed on the beaches of Peleliu, in the Palau islands chain, with the objective of capturing a vital air field;

Whereas the battle for Peleliu lasted more than two months, during which the United States suffered over 10,000 casualties, including an estimated 1,250 Marines and 540 soldiers killed in action;

Whereas George H.W. Bush, the 41st President of the United States, served as a torpedo-bomber pilot in the Navy and sank an armed Japanese trawler during Operation Snapshot, an operation to weaken Japanese defenses on Peleliu before United States Marines invaded the island in September 1944;

George H.W.  
Bush.

Whereas former Secretary of State George P. Shultz served as an officer in the Marine Corps detached to the 81st Infantry Division of the Army during the Battle of Peleliu and participated in the seizure, occupation, and defense of Angaur Island in the Palau islands chain;

George P. Shultz.

Whereas on February 4, 1985, the Secretary of the Interior officially designated the Peleliu battlefield as the "Peleliu Battlefield National Historic Landmark";

Whereas the landmark plaque has been mounted and is now displayed in a prominent place in the village of Kloulkubed;

Whereas that designation as a national historic landmark attests not only to the significance of the battlefield site, but also to the integrity of the site;

Whereas the Peleliu battlefield today has considerable physical evidence of the battle, including about 100 identified individual cave sites occupied by the defending Japanese troops, as well as pill boxes, casemates, and large military equipment, both American and Japanese, which played a direct role in the battle for Peleliu; and

Whereas thanks to the sacrifices of members of the United States Armed Forces who participated in the Battle of Peleliu, the Republic of Palau today is an independent, democratic nation and a strong ally of the United States: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress recognizes the bravery and courage of the members of the United States Armed Forces who participated in the Battle of Peleliu and of all veterans who fought in the Pacific Theater during World War II.

SEC. 2. The Congress urges the Secretary of the Interior—

(1) to recognize the year 2004 as the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II;

(2) to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark; and

(3) to establish commemorative programs honoring the Americans who fought at those sites.

Approved December 21, 2004.

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**LEGISLATIVE HISTORY—H.J. Res. 102:**

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 28, considered and passed House.

Dec. 7, considered and passed Senate.

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Public Law 108-480  
108th Congress

An Act

To authorize funds for an educational center for the Castillo de San Marcos National Monument, and for other purposes.

Dec. 23, 2004

[H.R. 2457]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Florida.  
16 USC 431 note.

**TITLE I—CASTILLO DE SAN MARCOS NATIONAL MONUMENT PRESERVATION ACT**

Castillo de San Marcos National Monument Preservation and Education Act.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Castillo de San Marcos National Monument Preservation and Education Act”.

**SEC. 102. VISITOR CENTER.**

(a) **AUTHORIZATION.**—Subject to the availability of appropriations and the project being prioritized in the National Park Service 5-year, line-item construction program, the Secretary of the Interior (referred to in this section as the “Secretary”) may design and construct a Visitor Center for the Castillo de San Marcos National Monument (referred to in this section as the “Monument”).

(b) **PREFERRED ALTERNATIVE.**—The Visitor Center authorized in subsection (a) shall be located and constructed in accordance with the Preferred Alternative identified in the Record of Decision for the General Management Plan for the Monument, expected to be signed in 2005.

**SEC. 103. COOPERATIVE AGREEMENT.**

The Secretary may enter into cooperative agreements with the City of St. Augustine, Florida, the Colonial St. Augustine Preservation Foundation, other Federal, State, and local departments or agencies, academic institutions, and non-profit entities for the planning and design, construction, management, and operation of the Visitor Center.

**SEC. 104. BOUNDARY EXPANSION.**

(a) **PROPERTY ACQUISITION.**—If the Preferred Alternative for the Visitor Center authorized by section 102 is located outside the boundary of the Monument, the Secretary is authorized to acquire the site for the Visitor Center, from willing sellers, by donation, purchase with donated or appropriated funds, or by exchange.



(b) **ADMINISTRATION OF NEWLY ACQUIRED LAND.**—Land added to the Monument pursuant to subsection (a) shall be administered by the Secretary in accordance with applicable laws and regulations.

(c) **BOUNDARY MODIFICATION.**—The boundary of the Monument shall be modified to reflect the acquisition of land authorized in subsection (a) after completion of the acquisition.

#### **SEC. 105. PROJECT APPROVAL.**

Prior to initiating any planning, design, or construction on the Visitor Center authorized by section 102, the project must be reviewed and approved by the National Park Service consistent with partnership construction guidelines established by that agency.

Castillo de San  
Marcos National  
Monument  
Boundary  
Adjustment Act  
of 2004.

## **TITLE II—CASTILLO DE SAN MARCOS NATIONAL MONUMENT BOUNDARY MODIFICATION**

#### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Castillo de San Marcos National Monument Boundary Adjustment Act of 2004”.

#### **SEC. 202. FINDINGS.**

Congress finds the following:

(1) The early defense lines for Fort Marion, Florida, today known as the Castillo de San Marcos National Monument, included defenses extending in a line due west to the Sebastian River, a distance of about one half mile.

(2) In the 1830's, during the Seminole Wars in Florida, these defensive lines were maintained, but as Florida became more settled they fell into disrepair and/or became obsolete.

(3) In 1908 the War Department deeded much of the property running west to the Sebastian River to the St. Johns County Board of Public Instruction. The portion of this property remaining in federal ownership today is occupied by Orange Street, a City of St. Augustine, Florida street.

(4) For nearly a century, the City of St. Augustine has maintained and managed Orange Street, a modern city street, and associated utilities in the Orange Street corridor.

(5) Any archeological remains that are still present on the property overlaid by Orange Street are adequately protected by the City's archeological ordinances, and by the City having an archeologist on staff.

(6) Although the city currently operates Orange Street under a right-of-way from the National Park Service, from a management perspective it is appropriate for the City of St. Augustine to own Orange Street.

#### **SEC. 203. BOUNDARY ADJUSTMENT.**

(a) **CONVEYANCE OF LAND.**—The Secretary of the Interior shall convey, without consideration, to the City of St. Augustine, Florida, all right, title, and interest of the United States in and to the lands known as Orange Street, a portion of the Castillo de San Marcos National Monument (Monument), consisting of approximately 3.1 acres, as shown on the map entitled Castillo de San Marcos National Monument Boundary Adjustment and Correction, numbered 343/80060, and dated April 2003. Upon completion of

the conveyance, the Secretary shall revise the boundary of the Monument to exclude the land conveyed.

(b) **BOUNDARY REVISION.**—Effective on the date of the enactment of this Act, the boundary of the Monument is revised to include an area of approximately 0.45 acres, as shown on the map identified in subsection (a). The Secretary shall administer the lands included in the boundary as part of the national monument in accordance with applicable laws and regulations. Effective date.

Approved December 23, 2004.

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**LEGISLATIVE HISTORY—H.R. 2457:**

HOUSE REPORTS: No. 108-639 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 13, considered and passed House.

Dec. 8, considered and passed Senate.



Public Law 108-483  
108th Congress

An Act

To authorize the exchange of certain land in Everglades National Park.

Dec. 23, 2004

[H.R. 3785]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Florida.

**SECTION 1. EVERGLADES NATIONAL PARK.**

Section 102 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r-6) is amended—

(1) in subsection (a)—

(A) by striking “The park boundary” and inserting the following:

“(1) IN GENERAL.—The park boundary”;

(B) by striking “The map” and inserting the following:

“(2) AVAILABILITY OF MAP.—The map”; and

(C) by adding at the end the following:

“(3) ACQUISITION OF ADDITIONAL LAND.—

“(A) IN GENERAL.—The Secretary may acquire from 1 or more willing sellers not more than 10 acres of land located outside the boundary of the park and adjacent to or near the East Everglades area of the park for the development of administrative, housing, maintenance, or other park purposes.

“(B) ADMINISTRATION; APPLICABLE LAW.—On acquisition of the land under subparagraph (A), the land shall be administered as part of the park in accordance with the laws (including regulations) applicable to the park.”; and

(2) by adding at the end the following:

“(h) LAND EXCHANGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(B) COUNTY.—The term ‘County’ means Miami-Dade County, Florida.

“(C) COUNTY LAND.—The term ‘County land’ means the 2 parcels of land owned by the County totaling approximately 152.93 acres that are designated as ‘Tract 605-01’ and ‘Tract 605-03’.

“(D) DISTRICT.—The term ‘District’ means the South Florida Water Management District.

“(E) DISTRICT LAND.—The term ‘District land’ means the approximately 1,054 acres of District land located in the Southern Glades Wildlife and Environmental Area and identified on the map as ‘South Florida Water Management District Exchange Lands’.



“(F) GENERAL SERVICES ADMINISTRATION LAND.—The term ‘General Services Administration land’ means the approximately 595.28 acres of land designated as ‘Site Alpha’ that is declared by the Department of the Navy to be excess land.

“(G) MAP.—The term ‘map’ means the map entitled ‘Boundary Modification for C-111 Project, Everglades National Park’, numbered 160/80,007A, and dated May 18, 2004.

“(H) NATIONAL PARK SERVICE LAND.—The term ‘National Park Service land’ means the approximately 1,054 acres of land located in the Rocky Glades area of the park and identified on the map as ‘NPS Exchange Lands’.

“(2) EXCHANGE OF GENERAL SERVICES ADMINISTRATION LAND AND COUNTY LAND.—The Administrator shall convey to the County fee title to the General Services Administration land in exchange for the conveyance by the County to the Secretary of fee title to the County land.

“(3) EXCHANGE OF NATIONAL PARK SERVICE LAND AND DISTRICT LAND.—

“(A) IN GENERAL.—As soon as practicable after the completion of the exchange under paragraph (2), the Secretary shall convey to the District fee title to the National Park Service land in exchange for fee title to the District land.

“(B) USE OF NATIONAL PARK SERVICE LAND.—The National Park Service land conveyed to the District shall be used by the District for the purposes of the C-111 project, including restoration of the Everglades natural system.

“(C) BOUNDARY ADJUSTMENT.—On completion of the land exchange under subparagraph (A), the Secretary shall modify the boundary of the park to reflect the exchange of the National Park Service land and the District land.

“(4) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.”.

## SEC. 2. BIG CYPRESS NATIONAL PRESERVE.

Subsection (d)(3) of the first section of Public Law 93-440 (16 U.S.C. 698f) is amended by striking “The amount described

in paragraph (1)" and inserting "The amount described in paragraph (2)".

Approved December 23, 2004.

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**LEGISLATIVE HISTORY—H.R. 3785 (S. 2046):**

HOUSE REPORTS: No. 108-516 (Comm. on Resources).

SENATE REPORTS: No. 108-298 accompanying S. 2046 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

July 19, considered and passed House.

Dec. 8, considered and passed Senate.

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# Presidential Documents

Title 3—

Proclamation 7647 of February 7, 2003

The President

## Establishment of the Governors Island National Monument

By the President of the United States of America

### A Proclamation

On the north tip of Governors Island, at the confluence of the Hudson and East Rivers, stand two fortifications that served as an outpost to protect New York City from sea attack. These two important historic objects, Castle Williams and Fort Jay, are part of a National Historic Landmark District designated in 1985. Between 1806 and 1811, these fortifications were constructed as part of the First and Second American Systems of Coastal Fortification. Castle Williams and Fort Jay represent two of the finest examples of defensive structures in use from the Renaissance to the American Civil War. They also played important roles in the War of 1812, the American Civil War, and World Wars I and II.

These fortifications were built on the most strategic defensive positions on the island. Fort Jay, constructed between 1806 and 1809, is on the highest point of the island from which its glacis originally sloped down to the waterfront on all sides. Castle Williams, constructed between 1807 and 1811, occupies a rocky promontory as close as possible to the harbor channels and served as the most important strategic defensive point in the entrance to the New York Harbor.

Governors Island was managed by the United States Army and the United States Coast Guard for nearly 200 years, but is no longer required for defense or Coast Guard purposes. It provides an excellent opportunity for the public to observe and understand the harbor history, its defense, and its ecology. Its proximity to lower Manhattan also makes it an appropriate location from which to reflect upon the tragic events of September 11, 2001.

Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

A Governors Island National Monument was established by Proclamation 7402 of January 19, 2001, in order to protect the two fortifications. The monument, however, remained subject to Public Law 105-33, section 9101, 111 Stat. 670 (August 5, 1997), which required the entire island, including the monument lands, to be sold with a right of first offer to the State and City of New York.

WHEREAS the State and City of New York each executed a consent and waiver of the right of first offer regarding Governors Island; and

WHEREAS the portion of Governors Island described on the accompanying land description was sold to the National Trust for Historic Preservation (National Trust), on January 31, 2003, and the remainder of Governors Island was sold to the Governors Island Preservation and Education Corporation (GIPEC) of the State and City of New York, on January 31, 2003; and



WHEREAS the National Trust, on January 31, 2003, relinquished and conveyed to the United States of America all lands owned by the National Trust on Governors Island; and

WHEREAS such relinquishment and conveyance have been accepted by the Secretary of the Interior (Secretary) pursuant to the Antiquities Act; and

WHEREAS it appears that it would be in the public interest to preserve Castle Williams, Fort Jay, and certain lands and buildings necessary for the care and management of the Castle and Fort as the Governors Island National Monument;

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Governors Island National Monument for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries described on the accompanying land description, which is attached to and forms a part of this proclamation. The Federal land and interests in land reserved consist of approximately 22 acres, together with appurtenant easements for all necessary purposes and any associated federally owned personal property of historic interest, which is the smallest area compatible with the property care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

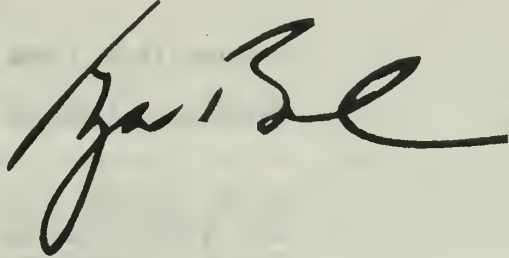
The Secretary shall manage the monument consistent with the purposes and provisions of this proclamation. For the purpose of preserving, restoring, and enhancing the public visitation and appreciation of the monument, the Secretary shall prepare a management plan for the monument within 3 years of the date of this proclamation. Further, to the extent authorized by law, the Secretary shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The establishment of this monument is subject to valid existing rights, if any such rights are present.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord two thousand three, and of the Independence of the United States of America the two hundred and twenty-seventh.

A handwritten signature in black ink, appearing to read "G. W. Bush", is written over the faint, illegible text of the document's body.

Billing code 3195-01-P

# Presidential Documents

Title 3—

Executive Order 13285 of January 29, 2003

The President

## President's Council on Service and Civic Participation

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to encourage the recognition of volunteer service and civic participation by all Americans, and especially America's youth, it is hereby ordered as follows:

**Section 1.** *The President's Council on Service and Civic Participation.* (a) There is hereby established within the Corporation for National and Community Services (CNCS) the President's Council on Service and Civic Participation (Council).

(b) The Council shall be composed of up to 25 members, including representatives of America's youth, appointed by the President. Each member shall serve for a term of 2 years and may continue to serve after the expiration of their term until a successor is appointed. The President shall designate one member to serve as Chair and one member to serve as Vice Chair. Subject to the direction of the Chief Executive Officer of the CNCS, the Chair, and in the Chair's absence the Vice Chair, shall convene and preside at the meetings of the Council, determine its agenda, and direct its work.

**Sec. 2.** *Mission and Functions of the Council.*

(a) The mission of the Council shall be to:

(i) encourage the recognition of outstanding volunteer service and civic participation by individuals, schools, and organizations and thereby encourage more such activity, especially on the part of America's youth; and

(ii) facilitate awareness of the ways in which Americans throughout our history have helped to meet the vital needs of their communities and Nation through volunteer service and civic participation.

(b) In carrying out its mission, the Council shall:

(i) design and recommend programs to recognize individuals, schools, and organizations that excel in their efforts to support volunteer service and civic participation, especially with respect to students in primary schools, secondary schools, and institutions of higher learning;

(ii) exchange information and ideas with interested individuals and organizations on ways to expand and improve programs developed pursuant to subsection 2(b)(i) of this order;

(iii) advise the Chief Executive Officer of the CNCS on broad dissemination, especially among schools and youth organizations, of information regarding recommended practices for the promotion of volunteer service and civic participation, and other relevant educational and promotional materials;

(iv) monitor and advise the Chief Executive Officer of the CNCS on the need for the enhancement of materials disseminated pursuant to subsection 2(b)(iii) of this order; and

(v) make recommendations from time to time to the President, through the Director of the USA Freedom Corps, on ways to promote and recognize outstanding volunteer service and civic participation by individuals, schools, and organizations and to promote awareness of the ways in which Americans throughout our history have helped to meet the vital needs of their communities and Nation through volunteer service and civic participation.



**Sec. 3. Administration.** (a) Each Federal agency, to the extent permitted by law and subject to the availability of appropriations, shall furnish such information and assistance to the Council as the Council may, with the approval of the Director of the USA Freedom Corps, request.

(b) The members of the Council shall serve without compensation for their work on the Council. Members of the Council who are not officers or employees of the United States may receive travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701-5707).

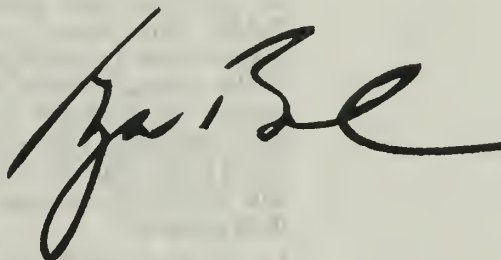
(c) To the extent permitted by law, the Chief Executive Officer of the CNCS shall furnish the Council with necessary staff, supplies, facilities, and other administrative services and shall pay the expenses of the Council.

(d) The Chief Executive Officer of the CNCS shall appoint an Executive Director to head the staff of the Council.

(e) The Council, with the approval of the Chief Executive Officer of the CNCS, may establish subcommittees of the Council, consisting exclusively of members of the Council, as appropriate to aid the Council in carrying out its mission under this order.

**Sec. 4. General Provisions.** (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Chief Executive Officer of CNCS in accordance with the guidelines and procedures issued by the Administrator of General Services.

(b) Unless extended by the President, this order shall expire 2 years from the date of this order.



THE WHITE HOUSE,  
January 29, 2003.

## Presidential Documents

Title 3—

Executive Order 13287 of March 3, 2003

The President

### Preserve America

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), it is hereby ordered:

**Section 1. *Statement of Policy.*** It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

**Sec. 2. *Building Preservation Partnerships.*** When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

**Sec. 3. *Improving Federal Agency Planning and Accountability.*** (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into



account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

**Sec. 4. Improving Federal Stewardship of Historic Properties.** (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.



(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

**Sec. 5. *Promoting Preservation Through Heritage Tourism.***

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

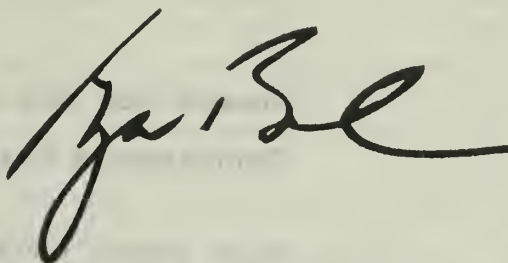
**Sec. 6. *National and Homeland Security Considerations.***

Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

**Sec. 7. *Definitions.*** For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

**Sec. 8. *Judicial Review.*** This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments,

agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,  
March 3, 2003.

[FR Doc. 03-05344

Filed 3-4-03; 8:45 am]

Billing code 3195-01-P

## Presidential Documents

### Executive Order 13316 of September 17, 2003

### Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

**Section 1.** Each advisory committee listed below is continued until September 30, 2005.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) National Infrastructure Advisory Council; Section 3 of Executive Order 13231, as amended (Department of Homeland Security).

(c) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13256 (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13270 (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(j) President's Council on Bioethics; Executive Order 13237 (Department of Health and Human Services).

(k) President's Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).

(l) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(m) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(n) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

**Sec. 2.** Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

**Sec. 3.** The following Executive Orders, or sections thereof, which established committees that have terminated or whose work is completed, are revoked:

(a) Sections 5 through 7 of Executive Order 13111, as amended by Executive Order 13188 and Section 3(a) of Executive Order 13218, pertaining to the



establishment of the Advisory Committee on Expanding Training Opportunities;

(b) Executive Order 12975, as amended by Executive Orders 13018, 13046, and 13137, establishing the National Bioethics Advisory Commission;

(c) Executive Order 13227, as amended by Executive Order 13255, establishing the President's Commission on Excellence in Special Education;

(d) Executive Order 13278, establishing the President's Commission on the United States Postal Service;

(e) Executive Order 13210, establishing the President's Commission to Strengthen Social Security;

(f) Sections 5 through 8 of Executive Order 13177, pertaining to the establishment of the President's Council on the Use of Offsets in Commercial Trade;

(g) Executive Order 13263, establishing the President's New Freedom Commission on Mental Health;

(h) Executive Order 13214, establishing the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans; and

(i) Executive Order 13147, as amended by Executive Order 13167, establishing the White House Commission on Complementary and Alternative Medicine Policy.

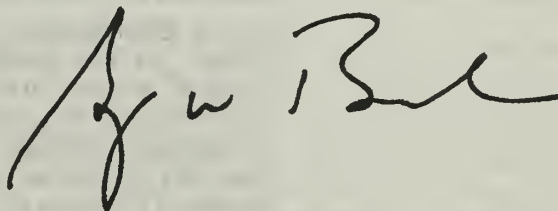
Sec. 4. Executive Order 13225 is superseded.

Sec. 5. Section 1-102(a) of Executive Order 12131, as amended, is further amended to read as follows:

"(a) The heads of the following executive agencies or their representatives:

- (1) Department of State.
- (2) Department of the Treasury.
- (3) Department of Agriculture.
- (4) Department of Commerce.
- (5) Department of Labor.
- (6) Department of Energy.
- (7) Department of Homeland Security.
- (8) Office of the United States Trade Representative.
- (9) Export-Import Bank of the United States.
- (10) Small Business Administration."

Sec. 6. This order shall be effective September 30, 2003.



THE WHITE HOUSE,  
September 17, 2003.

# Presidential Documents

Title 3—

Executive Order 13327 of February 4, 2004

The President

## Federal Real Property Asset Management

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and in order to promote the efficient and economical use of Federal real property resources in accordance with their value as national assets and in the best interests of the Nation, it is hereby ordered as follows:

**Section 1. Policy.** It is the policy of the United States to promote the efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

**Sec. 2. Definition and Scope.** (a) For the purpose of this executive order, Federal real property is defined as any real property owned, leased, or otherwise managed by the Federal Government, both within and outside the United States, and improvements on Federal lands. For the purpose of this order, Federal real property shall exclude: interests in real property assets that have been disposed of for public benefit purposes pursuant to section 484 of title 40, United States Code, and are now held in private ownership; land easements or rights-of-way held by the Federal Government; public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes except for improvements on those lands; land held in trust or restricted fee status for individual Indians or Indian tribes; and land and interests in land that are withheld from the scope of this order by agency heads for reasons of national security, foreign policy, or public safety.

(b) This order shall not be interpreted to supersede any existing authority under law or by executive order for real property asset management, with the exception of the revocation of Executive Order 12512 of April 29, 1985, in section 8 of this order.

**Sec. 3. Establishment and Responsibilities of Agency Senior Real Property Officer.** (a) The heads of all executive branch departments and agencies cited in sections 901(b)(1) and (b)(2) of title 31, United States Code, and the Secretary of Homeland Security, shall designate among their senior management officials, a Senior Real Property Officer. Such officer shall have the education, training, and experience required to administer the necessary functions of the position for the particular agency.

(b) The Senior Real Property Officer shall develop and implement an agency asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council established in section 4 of this order. The initial agency asset management plan will be submitted to the Office of Management and Budget on a date determined by the Director of the Office of Management and Budget. In developing this plan, the Senior Real Property Officer shall:



- (i) identify and categorize all real property owned, leased, or otherwise managed by the agency, including, where applicable, those properties outside the United States in which the lease agreements and arrangements reflect the host country currency or involve alternative lease plans or rental agreements;
  - (ii) prioritize actions to be taken to improve the operational and financial management of the agency's real property inventory;
  - (iii) make life-cycle cost estimations associated with the prioritized actions;
  - (iv) identify legislative authorities that are required to address these priorities;
  - (v) identify and pursue goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals;
  - (vi) incorporate planning and management requirements for historic property under Executive Order 13287 of March 3, 2003, and for environmental management under Executive Order 13148 of April 21, 2000; and
  - (vii) identify any other information and pursue any other actions necessary to the appropriate development and implementation of the agency asset management plan.
- (c) The Senior Real Property Officer shall be responsible, on an ongoing basis, for monitoring the real property assets of the agency so that agency assets are managed in a manner that is:
- (i) consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan under section 306 of title 5, United States Code;
  - (ii) consistent with the real property asset management principles developed by the Federal Real Property Council established in section 4 of this order; and
  - (iii) reflected in the agency asset management plan.
- (d) The Senior Real Property Officer shall, on an annual basis, provide to the Director of the Office of Management and Budget and the Administrator of General Services:
- (i) information that lists and describes real property assets under the jurisdiction, custody, or control of that agency, except for classified information; and
  - (ii) any other relevant information the Director of the Office of Management and Budget or the Administrator of General Services may request for inclusion in the Government-wide listing of all Federal real property assets and leased property.
- (e) The designation of the Senior Real Property Officer shall be made by agencies within 30 days after the date of this order.

**Sec. 4. Establishment of a Federal Real Property Council.** (a) A Federal Real Property Council (Council) is established, within the Office of Management and Budget for administrative purposes, to develop guidance for, and facilitate the success of, each agency's asset management plan. The Council shall be composed exclusively of all agency Senior Real Property Officers, the Controller of the Office of Management and Budget, the Administrator of General Services, and any other full-time or permanent part-time Federal officials or employees as deemed necessary by the Chairman of the Council. The Deputy Director for Management of the Office of Management and Budget shall also be a member and shall chair the Council. The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

(b) The Council shall provide a venue for assisting the Senior Real Property Officers in the development and implementation of the agency asset management plans. The Council shall work with the Administrator of General Services to establish appropriate performance measures to determine the effectiveness of Federal real property management. Such performance measures shall include, but are not limited to, evaluating the costs and benefits



involved with acquiring, repairing, maintaining, operating, managing, and disposing of Federal real properties at particular agencies. Specifically, the Council shall consider, as appropriate, the following performance measures:

- (i) life-cycle cost estimations associated with the agency's prioritized actions;
- (ii) the costs relating to the acquisition of real property assets by purchase, condemnation, exchange, lease, or otherwise;
- (iii) the cost and time required to dispose of Federal real property assets and the financial recovery of the Federal investment resulting from the disposal;
- (iv) the operating, maintenance, and security costs at Federal properties, including but not limited to the costs of utility services at unoccupied properties;
- (v) the environmental costs associated with ownership of property, including the costs of environmental restoration and compliance activities;
- (vi) changes in the amounts of vacant Federal space;
- (vii) the realization of equity value in Federal real property assets;
- (viii) opportunities for cooperative arrangements with the commercial real estate community; and
- (ix) the enhancement of Federal agency productivity through an improved working environment. The performance measures shall be designed to enable the heads of executive branch agencies to track progress in the achievement of Government-wide property management objectives, as well as allow for comparing the performance of executive branch agencies against industry and other public sector agencies.

(c) The Council shall serve as a clearinghouse for executive agencies for best practices in evaluating actual progress in the implementation of real property enhancements. The Council shall also work in conjunction with the President's Management Council to assist the efforts of the Senior Real Property Officials and the implementation of agency asset management plans.

(d) The Council shall be organized and hold its first meeting within 60 days of the date of this order. The Council shall hold meetings not less often than once a quarter each fiscal year.

**Sec. 5. *Role of the General Services Administration.*** (a) The Administrator of General Services shall, to the extent permitted by law and in consultation with the Federal Real Property Council, provide policy oversight and guidance for executive agencies for Federal real property management; manage selected properties for an agency at the request of that agency and with the consent of the Administrator; delegate operational responsibilities to an agency where the Administrator determines it will promote efficiency and economy, and where the receiving agency has demonstrated the ability and willingness to assume such responsibilities; and provide necessary leadership in the development and maintenance of needed property management information systems.

(b) The Administrator of General Services shall publish common performance measures and standards adopted by the Council.

(c) The Administrator of General Services, in consultation with the Federal Real Property Council, shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Administrator shall collect from each executive branch agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

(d) The Administrator of General Services, in consultation with the Federal Real Property Council, may establish data and other information technology (IT) standards for use by Federal agencies in developing or upgrading Federal

agency real property information systems in order to facilitate reporting on a uniform basis. Those agencies with particular IT standards and systems in place and in use shall be allowed to continue with such use to the extent that they are compatible with the standards issued by the Administrator.

**Sec. 6. General Provisions.** (a) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies in implementing their asset management plans and achieving the Government-wide property management policies established pursuant to this order.

(b) The Office of Management and Budget and the General Services Administration shall, in consultation with the landholding agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate industry management techniques and the establishment of managerial accountability for implementing effective and efficient real property management practices.

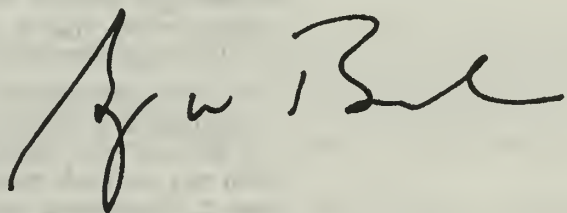
(c) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, or legislative proposals.

(d) Nothing in this order shall be construed to affect real property for the use of the President, Vice President, or, for protective purposes, the United States Secret Service.

**Sec. 7. Public Lands.** In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

**Sec. 8.** Executive Order 12512 of April 29, 1985, is hereby revoked.

**Sec. 9. Judicial Review.** This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,  
February 4, 2004.



# Presidential Documents

Title 3—

Executive Order 13330 of February 24, 2004

The President

## Human Service Transportation Coordination

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to enhance access to transportation to improve mobility, employment opportunities, and access to community services for persons who are transportation-disadvantaged, it is hereby ordered as follows:

**Section 1.** This order is issued consistent with the following findings and principles:

(a) A strong America depends on citizens who are productive and who actively participate in the life of their communities.

(b) Transportation plays a critical role in providing access to employment, medical and health care, education, and other community services and amenities. The importance of this role is underscored by the variety of transportation programs that have been created in conjunction with health and human service programs, and by the significant Federal investment in accessible public transportation systems throughout the Nation.

(c) These transportation resources, however, are often difficult for citizens to understand and access, and are more costly than necessary due to inconsistent and unnecessary Federal and State program rules and restrictions.

(d) A broad range of Federal program funding allows for the purchase or provision of transportation services and resources for persons who are transportation-disadvantaged. Yet, in too many communities, these services and resources are fragmented, unused, or altogether unavailable.

(e) Federally assisted community transportation services should be seamless, comprehensive, and accessible to those who rely on them for their lives and livelihoods. For persons with mobility limitations related to advanced age, persons with disabilities, and persons struggling for self-sufficiency, transportation within and between our communities should be as available and affordable as possible.

(f) The development, implementation, and maintenance of responsive, comprehensive, coordinated community transportation systems is essential for persons with disabilities, persons with low incomes, and older adults who rely on such transportation to fully participate in their communities.

**Sec. 2. Definitions.** (a) As used in this order, the term "agency" means an executive department or agency of the Federal Government.

(b) For the purposes of this order, persons who are transportation-disadvantaged are persons who qualify for Federally conducted or Federally assisted transportation-related programs or services due to disability, income, or advanced age.

**Sec. 3. Establishment of the Interagency Transportation Coordinating Council on Access and Mobility.** (a) There is hereby established, within the Department of Transportation for administrative purposes, the "Interagency Transportation Coordinating Council on Access and Mobility" ("Interagency Transportation Coordinating Council" or "Council"). The membership of the Interagency Transportation Coordinating Council shall consist of:

- (i) the Secretaries of Transportation, Health and Human Services, Education, Labor, Veterans Affairs, Agriculture, Housing and Urban Development, and the Interior, the Attorney General, and the Commissioner of Social Security; and



(ii) such other Federal officials as the Chairperson of the Council may designate.

(b) The Secretary of Transportation, or the Secretary's designee, shall serve as the Chairperson of the Council. The Chairperson shall convene and preside at meetings of the Council, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of the Council's members.

(c) A member of the Council may designate any person who is part of the member's agency and who is an officer appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule to perform functions of the Council or its subgroups on the member's behalf.

**Sec 4. *Functions of the Interagency Transportation Coordinating Council.*** The Interagency Transportation Coordinating Council shall:

(a) promote interagency cooperation and the establishment of appropriate mechanisms to minimize duplication and overlap of Federal programs and services so that transportation-disadvantaged persons have access to more transportation services;

(b) facilitate access to the most appropriate, cost-effective transportation services within existing resources;

(c) encourage enhanced customer access to the variety of transportation and resources available;

(d) formulate and implement administrative, policy, and procedural mechanisms that enhance transportation services at all levels; and

(e) develop and implement a method for monitoring progress on achieving the goals of this order.

**Sec. 5. *Report.*** In performing its functions, the Interagency Transportation Coordinating Council shall present to me a report not later than 1 calendar year from the date of this order. The report shall:

(a) Identify those Federal, State, Tribal and local laws, regulations, procedures, and actions that have proven to be most useful and appropriate in coordinating transportation services for the targeted populations;

(b) Identify substantive and procedural requirements of transportation-related Federal laws and regulations that are duplicative or restrict the laws' and regulations' most efficient operation;

(c) Describe the results achieved, on an agency and program basis, in: (i) simplifying access to transportation services for persons with disabilities, persons with low income, and older adults; (ii) providing the most appropriate, cost-effective transportation services within existing resources; and (iii) reducing duplication to make funds available for more services to more such persons;

(d) Provide recommendations to simplify and coordinate applicable substantive, procedural, and administrative requirements; and

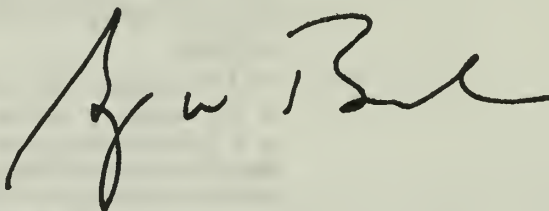
(e) Provide any other recommendations that would, in the judgment of the Council, advance the principles set forth in section 1 of this order.

**Sec. 6. *General.*** (a) Agencies shall assist the Interagency Transportation Coordinating Council and provide information to the Council consistent with applicable law as may be necessary to carry out its functions. To the extent permitted by law, and as permitted by available agency resources, the Department of Transportation shall provide funding and administrative support for the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any

right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

A handwritten signature in black ink, appearing to read "G W Bush", is centered on the page.

THE WHITE HOUSE,  
February 24, 2004.

[FR Doc. 04-4451

Filed 2-25-04; 11:57 am]

Billing code 3195-01-P

# Presidential Documents

Title 3—

Executive Order 13340 of May 18, 2004

The President

## Establishment of Great Lakes Interagency Task Force and Promotion of a Regional Collaboration of National Significance for the Great Lakes

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to help establish a regional collaboration of national significance for the Great Lakes, it is hereby ordered as follows:

**Section 1. Policy.** The Great Lakes are a national treasure constituting the largest freshwater system in the world. The United States and Canada have made great progress addressing past and current environmental impacts to the Great Lakes ecology. The Federal Government is committed to making progress on the many significant challenges that remain. Along with numerous State, tribal, and local programs, over 140 Federal programs help fund and implement environmental restoration and management activities throughout the Great Lakes system. A number of intergovernmental bodies are providing leadership in the region to address environmental and resource management issues in the Great Lakes system. These activities would benefit substantially from more systematic collaboration and better integration of effort. It is the policy of the Federal Government to support local and regional efforts to address environmental challenges and to encourage local citizen and community stewardship. To this end, the Federal Government will partner with the Great Lakes States, tribal and local governments, communities, and other interests to establish a regional collaboration to address nationally significant environmental and natural resource issues involving the Great Lakes. It is the further policy of the Federal Government that its executive departments and agencies will ensure that their programs are funding effective, coordinated, and environmentally sound activities in the Great Lakes system.

**Sec. 2. Definitions.** For purposes of this order:

(a) "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, and Lake Superior, and the connecting channels (Saint Marys River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian Border).

(b) "Great Lakes system" means all the streams, rivers, lakes, and other bodies of water within the drainage basin of the Great Lakes.

**Sec. 3. Great Lakes Interagency Task Force.**

(a) Task Force Purpose. To further the policy described in section 1 of this order, there is established, within the Environmental Protection Agency for administrative purposes, the "Great Lakes Interagency Task Force" (Task Force) to:

- (i) Help convene and establish a process for collaboration among the members of the Task Force and the members of the Working Group that is established in paragraph b(ii) of this section, with the Great Lakes States, local communities, tribes, regional bodies, and other interests in the Great Lakes region regarding policies, strategies, plans, programs, projects, activities, and priorities for the Great Lakes system.
- (ii) Collaborate with Canada and its provinces and with bi-national bodies involved in the Great Lakes region regarding policies, strategies, projects, and priorities for the Great Lakes system.



- (iii) Coordinate the development of consistent Federal policies, strategies, projects, and priorities for addressing the restoration and protection of the Great Lakes system and assisting in the appropriate management of the Great Lakes system.
- (iv) Develop outcome-based goals for the Great Lakes system relying upon, among other things, existing data and science-based indicators of water quality and related environmental factors. These goals shall focus on outcomes such as cleaner water, sustainable fisheries, and biodiversity of the Great Lakes system and ensure that Federal policies, strategies, projects, and priorities support measurable results.
- (v) Exchange information regarding policies, strategies, projects, and activities of the agencies represented on the Task Force related to the Great Lakes system.
- (vi) Work to coordinate government action associated with the Great Lakes system.
- (vii) Ensure coordinated Federal scientific and other research associated with the Great Lakes system.
- (viii) Ensure coordinated government development and implementation of the Great Lakes portion of the Global Earth Observation System of Systems.
- (ix) Provide assistance and support to agencies represented on the Task Force in their activities related to the Great Lakes system.
- (x) Submit a report to the President by May 31, 2005, and thereafter as appropriate, that summarizes the activities of the Task Force and provides any recommendations that would, in the judgment of the Task Force, advance the policy set forth in section 1 of this order.

(b) Membership and Operation.

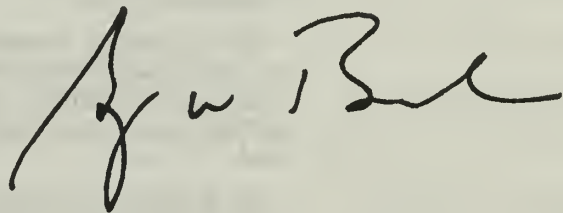
- (i) The Task Force shall consist exclusively of the following officers of the United States: the Administrator of the Environmental Protection Agency (who shall chair the Task Force), the Secretary of State, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Homeland Security, the Secretary of the Army, and the Chairman of the Council on Environmental Quality. A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is part of the member's department, agency, or office and who is either an officer of the United States appointed by the President or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule. The Task Force shall report to the President through the Chairman of the Council on Environmental Quality.
- (ii) The Task Force shall establish a "Great Lakes Regional Working Group" (Working Group) composed of the appropriate regional administrator or director with programmatic responsibility for the Great Lakes system for each agency represented on the Task Force including: the Great Lakes National Program Office of the Environmental Protection Agency; the United States Fish and Wildlife Service, National Park Service, and United States Geological Survey within the Department of the Interior; the Natural Resources Conservation Service and the Forest Service of the Department of Agriculture; the National Oceanic and Atmospheric Administration of the Department of Commerce; the Department of Housing and Urban Development; the Department of Transportation; the Coast Guard within the Department of Homeland Security; and the Army Corps of Engineers within the Department of the Army. The Working Group will coordinate and make recommendations on how to implement the policies, strategies, projects, and priorities of the Task Force.

(c) Management Principles for Regional Collaboration of National Significance. To further the policy described in section 1, the Task Force shall recognize and apply key principles and foster conditions to ensure successful collaboration. To that end, the Environmental Protection Agency will coordinate the development of a set of principles of successful collaboration.

**Sec. 4. Great Lakes National Program Office.** The Great Lakes National Program Office of the Environmental Protection Agency shall assist the Task Force and the Working Group in the performance of their functions. The Great Lakes National Program Manager shall serve as chair of the Working Group.

**Sec. 5. Preservation of Authority.** Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, regulatory, and legislative proposals. Nothing in this order shall be construed to affect the statutory authority or obligations of any Federal agency or any bi-national agreement with Canada.

**Sec. 6. Judicial Review.** This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.



THE WHITE HOUSE,  
May 18, 2004.

[FR Doc. 04-11592  
Filed 5-19-04; 8:45 am]  
Billing code 3195-01-P

# Presidential Documents

Title 3—

Executive Order 13347 of July 22, 2004

The President

## Individuals With Disabilities in Emergency Preparedness

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to strengthen emergency preparedness with respect to individuals with disabilities, it is hereby ordered as follows:

**Section 1. Policy.** To ensure that the Federal Government appropriately supports safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism, it shall be the policy of the United States that executive departments and agencies of the Federal Government (agencies):

(a) consider, in their emergency preparedness planning, the unique needs of agency employees with disabilities and individuals with disabilities whom the agency serves;

(b) encourage, including through the provision of technical assistance, as appropriate, consideration of the unique needs of employees and individuals with disabilities served by State, local, and tribal governments and private organizations and individuals in emergency preparedness planning; and

(c) facilitate cooperation among Federal, State, local, and tribal governments and private organizations and individuals in the implementation of emergency preparedness plans as they relate to individuals with disabilities.

**Sec. 2. Establishment of Council.** (a) There is hereby established, within the Department of Homeland Security for administrative purposes, the Inter-agency Coordinating Council on Emergency Preparedness and Individuals with Disabilities (the "Council"). The Council shall consist exclusively of the following members or their designees:

- (i) the heads of executive departments, the Administrator of the Environmental Protection Agency, the Administrator of General Services, the Director of the Office of Personnel Management, and the Commissioner of Social Security; and
- (ii) any other agency head as the Secretary of Homeland Security may, with the concurrence of the agency head, designate.

(b) The Secretary of Homeland Security shall chair the Council, convene and preside at its meetings, determine its agenda, direct its work, and, as appropriate to particular subject matters, establish and direct subgroups of the Council, which shall consist exclusively of Council members.

(c) A member of the Council may designate, to perform the Council functions of the member, an employee of the member's department or agency who is either an officer of the United States appointed by the President, or a full-time employee serving in a position with pay equal to or greater than the minimum rate payable for GS-15 of the General Schedule.

**Sec. 3. Functions of Council.** (a) The Council shall:

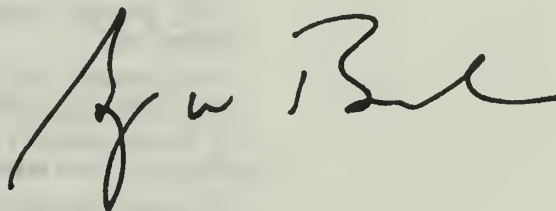
- (i) coordinate implementation by agencies of the policy set forth in section 1 of this order;



- (ii) whenever the Council obtains in the performance of its functions information or advice from any individual who is not a full-time or permanent part-time Federal employee, obtain such information and advice only in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation; and
  - (iii) at the request of any agency head (or the agency head's designee under section 2(c) of this order) who is a member of the Council, unless the Secretary of Homeland Security declines the request, promptly review and provide advice, for the purpose of furthering the policy set forth in section 1, on a proposed action by that agency.
- (b) The Council shall submit to the President each year beginning 1 year after the date of this order, through the Assistant to the President for Homeland Security, a report that describes:
- (i) the achievements of the Council in implementing the policy set forth in section 1;
  - (ii) the best practices among Federal, State, local, and tribal governments and private organizations and individuals for emergency preparedness planning with respect to individuals with disabilities; and
  - (iii) recommendations of the Council for advancing the policy set forth in section 1.

**Sec. 4. General.** (a) To the extent permitted by law:

- (i) agencies shall assist and provide information to the Council for the performance of its functions under this order; and
  - (ii) the Department of Homeland Security shall provide funding and administrative support for the Council.
- (b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- (c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.



THE WHITE HOUSE,  
July 22, 2004.

## Presidential Documents

Executive Order 13352 of August 26, 2004

### Facilitation of Cooperative Conservation

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Purpose.** The purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decisionmaking, in accordance with their respective agency missions, policies, and regulations.

**Sec. 2. Definition.** As used in this order, the term "cooperative conservation" means actions that relate to use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals.

**Sec. 3. Federal Activities.** To carry out the purpose of this order, the Secretaries of the Interior, Agriculture, Commerce, and Defense and the Administrator of the Environmental Protection Agency shall, to the extent permitted by law and subject to the availability of appropriations and in coordination with each other as appropriate:

(a) carry out the programs, projects, and activities of the agency that they respectively head that implement laws relating to the environment and natural resources in a manner that:

(i) facilitates cooperative conservation;

(ii) takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources;

(iii) properly accommodates local participation in Federal decision-making; and

(iv) provides that the programs, projects, and activities are consistent with protecting public health and safety;

(b) report annually to the Chairman of the Council on Environmental Quality on actions taken to implement this order; and

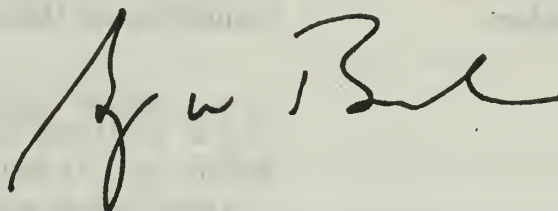
(c) provide funding to the Office of Environmental Quality Management Fund (42 U.S.C. 4375) for the Conference for which section 4 of this order provides.

**Sec. 4. White House Conference on Cooperative Conservation.** The Chairman of the Council on Environmental Quality shall, to the extent permitted by law and subject to the availability of appropriations:

(a) convene not later than 1 year after the date of this order, and thereafter at such times as the Chairman deems appropriate, a White House Conference on Cooperative Conservation (Conference) to facilitate the exchange of information and advice relating to (i) cooperative conservation and (ii) means for achievement of the purpose of this order; and

(b) ensure that the Conference obtains information in a manner that seeks from Conference participants their individual advice and does not involve collective judgment or consensus advice or deliberation.

**Sec. 5. General Provision.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers, employees or agents, or any other person.



THE WHITE HOUSE,  
August 26, 2004.

[FR Doc. 04-19909

Filed 8-27-04; 11:31 am]

Billing code 3195-01-P



# Presidential Documents

Title 3—

Executive Order 13366 of December 17, 2004

The President

## Committee on Ocean Policy

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Policy.** It shall be the policy of the United States to:

(a) coordinate the activities of executive departments and agencies regarding ocean-related matters in an integrated and effective manner to advance the environmental, economic, and security interests of present and future generations of Americans; and

(b) facilitate, as appropriate, coordination and consultation regarding ocean-related matters among Federal, State, tribal, local governments, the private sector, foreign governments, and international organizations.

**Sec. 2. Definition.** For purposes of this order the term "ocean-related matters" means matters involving the oceans, the Great Lakes, the coasts of the United States (including its territories and possessions), and related seabed, subsoil, and natural resources.

**Sec. 3. Establishment of Committee on Ocean Policy.**

(a) There is hereby established, as a part of the Council on Environmental Quality and for administrative purposes only, the Committee on Ocean Policy (Committee).

(b) The Committee shall consist exclusively of the following:

(i) the Chairman of the Council on Environmental Quality, who shall be the Chairman of the Committee;

(ii) the Secretaries of State, Defense, the Interior, Agriculture, Health and Human Services, Commerce, Labor, Transportation, Energy, and Homeland Security, the Attorney General, the Administrator of the Environmental Protection Agency, the Director of the Office of Management and Budget, the Administrator of the National Aeronautics and Space Administration, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Chairman of the Joint Chiefs of Staff;

(iii) the Assistants to the President for National Security Affairs, Homeland Security, Domestic Policy, and Economic Policy;

(iv) an employee of the United States designated by the Vice President; and

(v) such other officers or employees of the United States as the Chairman of the Committee may from time to time designate.

(c) The Chairman of the Committee, after coordination with the Assistants to the President for National Security Affairs and Homeland Security, shall regularly convene and preside at meetings of the Committee, determine its agenda, direct its work, and, as appropriate to deal with particular subject matters, establish and direct subcommittees of the Committee that shall consist exclusively of members of the Committee. The Committee shall coordinate its advice in a timely fashion.

(d) A member of the Committee may designate, to perform the Committee or subcommittee functions of the member, any person who is within such member's department, agency, or office and who is (i) an officer of the United States appointed by the President, (ii) a member of the Senior Executive Service or the Senior Intelligence Service, (iii) an officer or employee

within the Executive Office of the President, or (iv) an employee of the Vice President.

(e) Consistent with applicable law and subject to the availability of appropriations, the Council on Environmental Quality shall provide the funding, including through the Office of Environmental Quality as permitted by law and as appropriate, and administrative support for the Committee necessary to implement this order.

**Sec. 4. Functions of the Committee.** To implement the policy set forth in section 1 of this order, the Committee shall:

(a) provide advice on establishment or implementation of policies concerning ocean-related matters to:

(i) the President; and

(ii) the heads of executive departments and agencies from time to time as appropriate;

(b) obtain information and advice concerning ocean-related matters from:

(i) State, local, and tribal elected and appointed officials in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation; and

(ii) representatives of private entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation;

(c) at the request of the head of any department or agency who is a member of the Committee, unless the Chairman of the Committee declines the request, promptly review and provide advice on a policy or policy implementation action on ocean-related matters proposed by that department or agency;

(d) provide and obtain information and advice to facilitate:

(i) development and implementation of common principles and goals for the conduct of governmental activities on ocean-related matters;

(ii) voluntary regional approaches with respect to ocean-related matters;

(iii) use of science in establishment of policy on ocean-related matters; and

(iv) collection, development, dissemination, and exchange of information on ocean-related matters; and

(e) ensure coordinated government development and implementation of the ocean component of the Global Earth Observation System of Systems.

**Sec. 5. Cooperation.** To the extent permitted by law and applicable presidential guidance, executive departments and agencies shall provide the Committee such information, support, and assistance as the Committee, through the Chairman, may request.

**Sec. 6. Coordination.** The Chairman of the Council on Environmental Quality, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and, with respect to the interagency task force established by Executive Order 13340 of May 18, 2004, the Administrator of the Environmental Protection Agency, shall ensure appropriate coordination of the activities of the Committee under this order and other policy coordination structures relating to ocean or maritime issues pursuant to Presidential guidance.

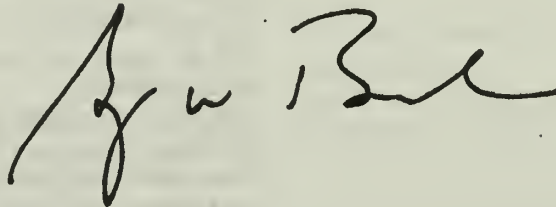
**Sec. 7. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a executive department or agency or the head thereof; or

(ii) functions assigned by the President to the National Security Council or Homeland Security Council (including subordinate bodies) relating to matters affecting foreign affairs, national security, homeland security, or intelligence.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers or employees, or any other person.



THE WHITE HOUSE,  
December 17, 2004.

[FR Doc. 04-28079  
Filed 12-20-04; 10:46 am]  
Billing code 3195-01-P



# WHEAT AGREEMENT ACT—EXTENSION

*For Legislative History of Act, see p. 2339*

PUBLIC LAW 87-632; 76 STAT. 434

[S. 3574]

An Act to extend the International Wheat Agreement Act of 1949.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

Section 2 of the International Wheat Agreement Act of 1949, as amended,<sup>33</sup> is further amended as follows:

(1) The first sentence is amended by striking out the language in the first parenthesis and all that follows in such sentence and inserting in lieu thereof the following: "signed by the United States and certain other countries revising and renewing such agreement of 1949 for periods through July 31, 1965 (hereinafter collectively called the 'International Wheat Agreement')".

(2) There is inserted immediately before the last sentence the following new sentence: "Such net costs in connection with the International Wheat Agreement, 1962, shall include those with respect to all transactions which qualify as commercial purchases (as defined in such agreement) from the United States by member and provisional member importing countries, including transactions entered into prior to the deposit of instruments of acceptance or accession by any of the countries involved, if the loading period is not earlier than the date the agreement enters into force."

Approved September 5, 1962.

# DISTRICT OF COLUMBIA—FREDERICK DOUGLASS MEMORIAL

PUBLIC LAW 87-633; 76 STAT. 435

[S. 2399]

An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

The Secretary of the Interior is authorized to designate, for preservation as a part of the park system in the National Capital, the former home of Frederick Douglass located at 1411 W Street Southeast, Washington, District of Columbia, and known as "Cedar Hill", to be described by metes and bounds, so as to exclude that part of the original fourteen acres which is presently leased to the Glen Garden as a housing development, together with such land, interests in land, and improvements thereon as he may deem necessary to accomplish the purposes of this Act: *Provided*, That the area so designated shall not exceed fourteen acres.

33. 7 U.S.C.A. § 1641.

Sec. 2. When the land, the Frederick Douglass home, and such objects therein of historical significance as the Secretary of the Interior may designate have been donated to the United States, establishment of the Frederick Douglass home as a part of the park system in the National Capital shall be effected by publication of notice in the Federal Register.

Sec. 3. Upon the establishment of the Frederick Douglass home as a part of the park system in the National Capital, the home shall be administered by the Secretary of the Interior and shall be subject to the provisions of the Act entitled "An Act to establish a National Park Service and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act entitled "An Act to provide for the preservation of American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666), as amended.

Sec. 4. There are authorized to be appropriated not more than \$25,000 for repairing and refurbishing Cedar Hill in order to accomplish the purposes of this Act.

Approved September 5, 1962.

#### PUBLIC FACILITY LOAN PROGRAM—ELIGIBILITY FOR ASSISTANCE

*For Legislative History of Act, see p. 2342*

PUBLIC LAW 87-634; 76 STAT. 435

[S. 3327]

An Act to make eligible for assistance under the public facility loan program certain areas where research or development installations of the National Aeronautics and Space Administration are located.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

Paragraph (4) of section 202(b) of the Housing Amendments of 1955<sup>34</sup> is amended by inserting immediately after "Act" the following: ", or in the case of a community in or near which is located a research or development installation of the National Aeronautics and Space Administration".

Approved September 5, 1962.

#### CAPULIN MOUNTAIN NATIONAL MONUMENT— BOUNDARIES

PUBLIC LAW 87-635; 76 STAT. 436

[S. 2973]

An Act to revise the boundaries of Capulin Mountain National Monument, New Mexico, to authorize acquisition of lands therein, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:*

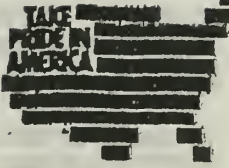
In order to preserve the scenic and scientific integrity of the Capulin Mountain National Monument in the State of New Mexico,

34. 42 U.S.C.A. § 1492.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240



## ORDER

**Subject:** Designation of Frederick Douglass National Historic Site

1. Purpose. This order designates the property administratively named the Frederick Douglass Home as the "Frederick Douglass National Historic Site," a title that reflects its national historical significance and matches the nomenclature of comparable units of the National Park System.
2. Authority. This order is issued pursuant to section 2 of the Act approved August 21, 1935 (49 Stat. 666).
3. Designation. The property at 1411 W Street Southeast, Washington, District of Columbia, acquired and administered by the National Park Service pursuant to the Act approved September 5, 1962 (76 Stat. 435), is hereby designated as the "Frederick Douglass National Historic Site."
4. Effective Date. This order is effective immediately.

*Ronald Paul Hodel*  
Secretary of the Interior

Date: FEB 17 1968



(NV-830-09-4214-10; N-43672, N-48331)

# **Termination of Withdrawal Applications; Nevada**

November 10, 1988.

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Fish and Wildlife Service and the Bureau of Land Management have cancelled their applications to withdraw lands pending a legislative exchange for privately owned lands in Florida. The exchange has been consummated pursuant to Pub. L. 100-275 of March 31, 1988.

**EFFECTIVE DATE:** November 25, 1988.

## **FOR FURTHER INFORMATION CONTACT:**

Vienna Wolder, Bureau of Land Management, Nevada State Office, P.O. Box 12000, 850 Harvard Way, Reno, Nevada 89520, 702-784-5481.

**SUPPLEMENTARY INFORMATION:** Notice of an application for withdrawal and reservation of 45,298 acres of public land in Clark County by the Fish and Wildlife Service was published as FR Doc. 88-8157 on page 12574 of the issue of April 11, 1988, and a correction notice was published on page 18595 of the issue of May 5, 1988. A subsequent amendment and a new application for an additional 8,910 acres in Mineral County by the Fish and Wildlife Service were published as FR Docs. 88-1880 and 88-18801 on page 29705 of the issue of August 20, 1988, and a correction notice was published on page 41894 of the issue of November 19, 1988. The Bureau of Land Management's application for 52,840 acres in Clark County was published as FR Doc. 88-7788 on page 11713 of the issue of April 8, 1988, and a correction notice was published on page 12641 of the issue of April 15, 1988. The purpose of the proposed withdrawals was to protect the lands pending a legislative exchange for privately owned lands in Florida. The lands were temporarily segregated from all forms of appropriation under the public land laws, including the United States mining laws.

The Fish and Wildlife Service and the Bureau of Land Management have cancelled the applications in their entirety. All the lands in the applications have been conveyed out of Federal ownership or have been leased and remain withdrawn from the operation of the public land laws and

the mining laws pursuant to Pub. L. 100-275 of March 31, 1988.

Edward F. Spang,  
State Director, Nevada.

[FR Doc. 88-27271 Filed 11-23-88; 8:45 am]

BILLING CODE 4310-HC-M

## **Minerals Management Service**

### **Development Operations Coordination Document; Conoco, Inc.**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 1860, Block 66, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from existing onshore bases located at Cameron and Morgan City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on November 14, 1988. Comments must be received by December 12, 1988, or 15 days after the Coastal Management Sections receives a copy of the plan from the Minerals Management Service.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal management Section, Attention OCS PLans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Tolbert, Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2867.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS

Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: November 15, 1988.

J. Rogers Percy,  
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 88-27231 Filed 11-23-88; 8:45 am]

BILLING CODE 4310-MR-M

## **National Park Service**

### **Frederick Douglass National Historic Site**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of boundary revision.

**SUMMARY:** Notice is hereby given that the boundary of the Frederick Douglass National Historic Site in Washington, DC is revised to include an additional parcel of land for preservation as a part of the historic site.

**FOR FURTHER INFORMATION CONTACT:** John Parson, Associate Regional Director, Land Use Coordination, National Capital Region, National Park Service, 1100 Ohio Drive, SW., Washington, DC 20242. Telephone number (202) 426-6829.

**SUPPLEMENTARY INFORMATION:** The Act of September 5, 1962 (76 Stat. 435) authorized the Secretary of the Interior to designate the former home of Frederick Douglass for preservation as a part of the park system in the National Capital. Not to exceed 14 acres of land, specifically excluding land used as a housing development, could be designated the "Frederick Douglass Home" (now the "Frederick Douglass National Historic Site" pursuant to Secretarial Order dated February 12, 1988). Upon donation of the properties and publication of the metes and bounds descriptions of those properties in the Federal Register, the parcels would



become part of the park system of the National Capital. On February 23, 1972, metes and bounds descriptions for two parcels of land totaling 8.08 acres, more or less, were published in the Federal Register (37 FR 3832, February 23, 1972).

This notice is to revise the metes and bounds descriptions of the Frederick Douglass National Historic Site to include an additional parcel of land that is being donated to the United States, through the National Park Service, by the Frederick Douglass Memorial and Historical Association. Therefore, the boundary of the Frederick Douglass National Historic Site is revised to include the following described land:

All that certain tract of land lying and being situated in the District of Columbia being part of a tract of land called Chichester, a part of Parcel 226/40 described as follows:

Beginning for the same on the Southeasterly line of 14th Street, at a point distant South 13° 13' West, 414.82 feet from the intersection of the line of 14th Street with the Southwesterly line of W Street; thence South 50° 14' 00" East, 288 feet to a point; thence South 10° 14' 40" East, 40.34 feet to the Northeasterly corner of Lot numbered Thirty (30) in Square Fifty-eight Hundred Thirteen (5813); thence with the Northerly line of Lot Thirty (30), North 76° 57' West, 128.88 feet to the line of Cedar Street; thence, with line of Cedar Street in a Northwesterly direction 143.73 feet to the line of 14th Street, thence, with line of 14th Street 89.38 feet to the place of beginning. Now Taxed as Lot Eight Hundred Six (806) in Square Fifty-eight Thirteen (5813).

Said Lot 806 containing 0.45 of an acre, more or less.

The Frederick Douglass National Historic Site now comprises 8.53 acres, more or less.

Date: November 18, 1988.

Ronald Wrya,

*Acting Regional Director, National Capital Region.*

[FR Doc. 88-27249 Filed 11-23-88; 8:45 am]

BILLING CODE 4310-70-M

#### **Golden Gate National Recreation Area, California; Boundary Revision**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice of boundary revision, Golden Gate NRA.

This notice indicates a change in the boundary of Golden Gate National Recreation Area, as the result of the establishment of San Francisco Maritime National Historical Park on June 27, 1988, by Pub. L. 100-348. San Francisco Maritime National Historical Park was depicted by the map referenced in Pub. L. 100-348 and entitled "Boundary Map, San Francisco

Maritime National Historical Park," numbered 641/80,053 and dated April 7, 1987.

San Francisco Maritime National Historical Park is entirely composed of land and water which was within the boundary of Golden Gate National Recreation Area. Therefore, the boundary of the recreation area is altered solely to the extent that the Historical Park has been removed. Among specific areas which were within the boundary of Golden Gate National Recreation Area which are now included in San Francisco Maritime National Historical Park are Aquatic Park, Hyde Street Pier, Sala Burton Maritime Museum, Sand Beach and Victoria Park.

A map showing the revised boundary of Golden Gate National Recreation Area with respect to the new San Francisco Maritime National Historical Park, entitled "Revised Boundary Map, Golden Gate National Recreation Area", numbered 641/80,003 Suffix L, and dated October 1988, is available for inspection at the Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Stanley T. Albright,

*Regional Director, Western Region.*

[FR Doc. 88-27250 Filed 11-23-88; 8:45 am]

BILLING CODE 4310-70-M

#### **Availability of Plan of Operations and Environmental Assessment Continued Operations, Existing Wells; Colorado Interstate Gas (CIG); Lake Meredith Recreation Area, Texas**

Notice is hereby given in accordance with § 9.52(b) of Title 36 of the Code of Federal Regulations that the National Park Service has received from Colorado Interstate Gas (CIG) a Plan of Operations. The proposal involves the continued operations of already existing wells, Lake Meredith Recreation Area, Texas.

The Plan of Operations and Environmental Assessment are available for public review and comment for a period of 30 days from the publication date of this notice in the Office of the Superintendent, Lake Meredith Recreation Area, P.O. Box 1438, Fritch, Texas; and one copy will be available at the Southwest Regional Office, National Park Service, 1220 South Saint Francis Drive, Room 347, P.O. Box 728, Santa Fe, New Mexico 87504-0728.

Date: November 17, 1988.

R.B. Smith,

*Acting Regional Director, Southwest Region.*

[FR Doc. 88-27252 Filed 11-23-88; 8:45 am]

BILLING CODE 4310-70-M

#### **Delta Region Preservation Commission; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:00 p.m., CST, on January 17, 1989, at the Jean Lafitte National Historical Park and Preserve, Barataria Unit Visitor Center, 7400 Highway 45, Marrero, Louisiana.

The Delta Region Preservation Commission was established pursuant to Section 907 of Pub. L. 95-625 (18 U.S.C. 230f), as amended, to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the implementation and development of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

- Update Environmental Education Center.
- Overnight accommodations for Environmental Education Center.
- Tunica Biloxi Indians—potential cooperative agreement.
- Update De la Ronde ruins.
- Old Business.
- New Business.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact M. Ann Belkov, Superintendent, Jean Lafitte National Historical Park, U.S. Customs House, 423 Canal Street, Room 210, New Orleans, Louisiana 70130-2341, telephone 504/589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.



**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****[Docket No. 88F-0333]****Sandoz AG; Filing of Food Additive Petition****Correction**

In notice document 88-24624 appearing on page 43043 in the issue of Tuesday, October 25, 1988, make the following corrections:

1. In the second column, in the SUMMARY, in the seventh line, "pipheryl" should read "biphenyl". In the eighth line "methylpentene" was misspelled.

2. In the third column, under SUPPLEMENTARY INFORMATION, in the third line, "see." should read "section". In the sixth line, "CH-442" should read "CH-4402".

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Public Health Service****42 CFR Part 57****Health Professions Student Loan Program****Correction**

In rule document 88-26448 beginning on page 46546 in the issue of Thursday, November 17, 1988, make the following correction:

**§ 57.215 [Corrected]**

On page 46550, in the second column, in § 57.215, the parenthetical phrase at the end of the section should read as follows:

(Approved by the Office of Management and Budget under control number 0915-0115)

BILLING CODE 1505-01-D

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Public Health Service****42 CFR Part 67****Nursing Student Loan Program****Correction**

In rule document 88-26449 beginning

on page 46552 in the issue of Thursday, November 17, 1988, make the following correction:

**§ 57.315 [Corrected]**

On page 46555, in the second column, in § 57.315, the parenthetical phrase at the end of the section should read as follows:

(Approved by the Office of Management and Budget under control number 0915-0115)

BILLING CODE 1505-01-D

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****43 CFR Part 2200****[AA-320-89-4212-13]****Land Exchange Regulations****Correction**

In proposed rule document 88-26199 beginning on page 45782 in the issue of Monday, November 14, 1988, make the following corrections:

1. On page 45782, in the second column, in the SUMMARY, in the first line, "Facilities" should read "Facilitation".

2. On the same page, in the third column, under SUPPLEMENTARY INFORMATION, in paragraph 4, in the fourth line, "\$15,000" should read "\$150,000".

BILLING CODE 1505-01-D

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management****[ID-943-09-4214-10; I-9793]****Termination of Proposed Withdrawal and Reservation of Lands; Idaho****Correction**

In notice document 88-25379 beginning on page 44242 in the issue of Wednesday, November 2, 1988, make the following corrections:

1. On page 44242, in the third column, under "T. 8 S., R. 10 E.," the fifth line should read "Sec. 12, S½SW¼, SW¼SE¼".

2. On the same page, in the same column, under "T. 8 S., R. 11 E.," the fifth line should read "Sec. 28, SW¼NW¼, W¼SW¼, SE¼SW¼".

BILLING CODE 1505-01-D

**DEPARTMENT OF THE INTERIOR****National Park Service****Frederick Douglass National Historic Site****Correction**

In notice document 88-27249 beginning on page 47770 in the issue of Friday, November 25, 1988, make the following corrections:

On page 47771, in the first column, in the land description, in the third line, "13' 13'" should read "13' 03'". Also, in the seventh line, "10' 14' 40'" should read "10' 23' 40'".

BILLING CODE 1505-01-D

**MERIT SYSTEMS PROTECTION BOARD****5 CFR Part 1201****Practices and Procedures****Correction**

In rule document 88-27401 appearing on page 47927 in the issue of Tuesday, November 29, 1988, make the following correction:

**Appendix II to Part 1201—[Corrected]**

In the first column, under Appendix II to Part 1201—Appropriate Regional Office for Filing Appeals, in the paragraph designated "6", in the third line, after "New Jersey" remove the closing parenthesis.

BILLING CODE 1505-01-D

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71****[Airspace Docket No. 88-ASW-41]****Establishment of Transition Area; Ruidoso, NM****Correction**

In rule document 88-26959 beginning on page 47182 in the issue of Tuesday, November 22, 1988, make the following correction:



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